

C. FACTUAL BACKGROUND

On or about April 29, 2014, you were working in your capacity as an officer with the El Paso Police Department when you were dispatched in reference to a subject disturbing call at or near 501 Hawkins in the City and County of El Paso, Texas. Upon arrival at said location, you met with the complainant, Hasabnna Leyva-Ramirez, and learned that she wanted to file charges against CPS for the condition of the facility and how the staff treated her. Based on the investigation, you attempted to explain to the complainant that the matter was civil and not criminal in nature. You then asked the complainant for ID so that you could complete your log sheet accordingly.

Based on the evidence, the complainant handed you a [REDACTED] ID card. Rather than enter the information from this card on your log sheet, you asked the complainant if she was in the United States illegally. You admitted that you did such and contended that you knew that “this ID card [was] being issued by the [REDACTED] to illegal aliens” or similar words. Regardless, the complainant’s immigration status was irrelevant to completing your log sheet and irrelevant to the call that you were handling.

The complainant informed you that she was in the United States legally and had papers to prove such. According to your administrative statement, you told her that “if she had papers that she needed to have them with her at all times. This I know because I came to this country with a green card and was told repeatedly by immigration that I HAD to have that ID with me always” or similar words. You deny asking the complainant to see her papers. Nonetheless, the complainant’s immigration status was irrelevant.

You admit to asking the complainant about her immigration status. You claimed in your administrative statement that “there was no intention [by you] about inquiring about [the complainant’s] legal status. [You] usually ask the same ONE question when someone hands [you] that type of ID and they are being hostile or uncooperative” or similar words. Regardless, the complainant’s immigration status was not relevant to the call for service. By asking such question, you failed to act in a courteous and professional manner which violates Department policies, procedures, rules and/or regulations.

D. CONCLUSION

You became a commissioned police officer with the City of El Paso Police Department on or about October 10, 1996. At that time, you were given a procedures manual which unequivocally directed all employees to familiarize themselves with the rules and regulations, policies and procedures, administrative orders, special orders, memorandums, Civil Service Rules and Regulations, any other directives or policies issued by the Chief of Police and criminal and civil laws and any other pertinent material which deals either directly or indirectly with the performance of your duties. Said direction has not changed during your employment with the Department and remains in effect today.

Immigration status is not relevant information that needs to be obtained by a police officer to complete a daily log sheet when the officer determines that the matter at issue is civil. Based on the findings of this administrative investigation, there is sufficient evidence that your conduct at issue has violated Department policies, procedures, rules and/or regulations. Your poor judgment and personal beliefs or convictions on immigration interfered with the appropriate execution of your official acts and decisions.

For the reasons stated above, your conduct violated:

- a) Section 6.13-3, including but not limited to subsection (P), Charter of the City of El Paso;
- b) Rule 15, including but not limited to subsection 1 (p), El Paso Civil Services Rules and Regulations;
- c) Section 0-401, including but not limited to subsections 0-401.05 and 0-401.06, El Paso Police Department Procedures Manual;
- d) Section 0-403, including but not limited to subsection 0-403.06, El Paso Police Department Procedures Manual;
- e) Section 0-404, including but not limited to subsections 0-404.03 and 0-404.05, El Paso Police Department Procedures Manual;
- f) Section 0-406, including but not limited to subsection 0-406.03, El Paso Police Department Procedures Manual;
- g) Rule 4, including but not limited to subsection (a), El Paso Police Department Procedures Manual Addendum, Rules and Regulations;
- h) Rule 9, El Paso Police Department Procedures Manual Addendum, Rules and Regulations; and
- i) Rule 27, including but not limited to subsections (a), (c) and (d), El Paso Police Department Procedures Manual Addendum, Rules and Regulations.

Your conduct is not considered to be within the policy, practice or custom of the Department. Of importance, your conduct in this case is not the first time you have brought discredit to you and the Police Department over someone's ethnic origin. The Chief of Police is not prohibited from using your prior acts or omissions resulting in discipline in determining future disciplinary action. The other instance includes but is not limited to:

IA10-488: This case involved allegation of violation of Rules 5 (major violation) and 14 (verbal abuse prohibit). Based on the administrative evidence, you were found to have used a racial slur on at least one occasion when referring to another department employee. Administratively, you received a written reprimand.

Based on the totality of circumstances, your conduct in this matter warrants discipline, up to and including termination. The discipline being taken in this case is based on your conduct at issue at the time in question coupled with your prior discipline history. Therefore, **the Department hereby suspends you for sixteen (16) hours.**

In addition, you are hereby informed that you have a right to appeal this suspension. If you elect to appeal, you have thirty (30) days from the date indicated below to appeal this suspension to the Civil Service Commission or at the election of the Association, to an arbitrator mutually agreed to by the parties.

The Department reserves the right to amend these charges and specifications at any time.

A/C R. Fedner for
Greg Allen
Chief of Police

I acknowledge receipt of this notice of suspension and am aware of my rights to appeal. I also acknowledge receipt of Rule 15. Furthermore, I understand that this acknowledgement in no way is an admission of guilt.

M #1817
Martina Elizalde #1817

10/24/2014
Date



El Paso Police Department

Mayor

Oscar Leaser

City Council

District 1
Peter Svarzbein

District 2
Jim Tolbert

District 3
Emma Acosta

District 4
Carl L. Robinson

District 5
Dr. Michiel R. Noe

District 6
Claudia Ordaz

District 7
Lily Limón

District 8
Cortney C. Niland

City Manager
Tommy Gonzalez

TO: Mariza Martinez
EPPD-Payroll

FROM: Jennifer F. Callan
Internal Affairs

DATE: June 6, 2016

RE: Reimbursement as per Arbitration Award
Case #IA14-335

Officer Martina Elizalde #1817 was suspended for sixteen (16) hours for her conduct at issue in administrative case IA#14-335. Officer Elizalde #1817 served this suspension on or about October 24-25, 2014. *See* copies of the Agency Web and Appendix "A" attached to this memo as Exhibit 1.

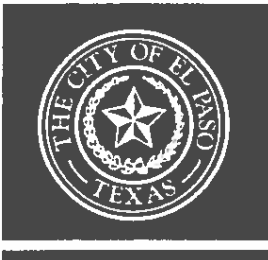
Officer Elizalde #1817 appealed said suspension and a decision was rendered in the same on or about June 2, 2016. Based on the arbitration decision, Officer Elizalde's sixteen (16) hour suspension was reduced to a ten (10) hour suspension. Therefore, Officer Elizalde #1817 is to be **reimbursed for six (6) hours as per the arbitration decision.** *See* a copy of the arbitration decision dated June 2, 2016 attached to this memo as Exhibit 2.

To facilitate this reimbursement, Officer Elizalde's relevant information, which is also included on Exhibit 1, is as follows:

Name: Martina Elizalde #1817
Kronos ID: 06688
SSN: 4 - SSN of Live Person

Please provide me with the documentation of the reimbursement as soon as practical. Thank you for your time and attention to this request.

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org



El Paso Police Department

Exhibit 1

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

EXHIBIT B
18-1026-9892

APPENDIX "A"

THIS FORM MUST BE HAND DELIVERED TO YOUR SUPERVISOR, IMMEDIATELY UPON LEAVING THE INTERNAL AFFAIRS OFFICE.

TO: COMMANDER ZARUR VIA CHAIN OF COMMAND

FROM: INTERNAL AFFAIRS DIVISION

RE: IA CASE # IA14- 335

This form serves to notify you that a disposition has been determined on the above listed administrative case affecting: NAME : Officer Martina Elizalde #1817 DISPOSITION: Sixteen (16) Hours-Suspension.

ATTENTION : Officer Martina Elizalde #1817

This is a written direct order that you must serve your suspension as indicated below:

Enter Employees Kronos ID 06688 SSN: 567-79-3719.

[To be completed by employee's supervisor(s)] Date of suspension from 10-24-14 10-25-14
Suspension must begin within three weeks of receiving this notice.

If the employee is scheduled to serve the suspension on non-consecutive dates, list those dates and hours below:

Date to return to work: 10-29-14 Total hours of suspension to be served: 16

COMPLETE AND ATTACH THE ORIGINAL LEAVE REQUEST FORM TO THIS DOCUMENT
AND / OR

Vacation in Lieu of Suspension

If the employee requests to forfeit vacation time for a suspension period up to 80 hours,

**** COMPLETE AND ATTACH THE ORIGINAL VIS FORM TO THIS DOCUMENT ****

Indicate number of hours to be taken as Vacation in Lieu of. 56 (VIS)

TOTAL NUMBER OF HOURS 0 = 0 (SUS) + 0 (VIS)

Employee's Supervisor's Signature

Date: 10-24-14

This is a written direct order that you MUST return this completed form to the Internal Affairs Division Commander no later than : _____ or face separate disciplinary action.

Employee's Signature: _____ IAD Supervisor's Signature _____

Date: 10/24/14

Date: _____

Date returned to IAD _____ IAD Supervisor signature _____

Distribution: **Original** – IAD. Copies for City Personnel (HR); PD Payroll; & Personnel file Chief's office
Effective: September 13, 2004

EXHIBIT B
18-1026-9892

Modify Leave Request for Martina Elizalde [1817]																													
Requested Date: 10/24/2014 4:24P		Supervisor Decision: Steffan Bentley 10/24/14 4:24P																											
Current Status: Approved																													
Approvals																													
<div style="display: flex; justify-content: space-between; align-items: center;"><div>Supervisor Approval:</div><div><input checked="" type="radio"/> Approve Leave Request <input type="radio"/> Decline Leave Request</div></div> <div style="text-align: center; margin-top: 20px;">Minimum Staffing Summary for F181 / Days Minimum Staffing Summary for S181 / Evenings Minimum Staffing Summary for F181 / Days</div>																													
Leave Details																													
<div style="display: flex; justify-content: space-between;"><div>Start Date: 10/24/2014</div><div>End Date: 10/25/2014</div></div> <div style="display: flex; align-items: flex-start; margin-top: 10px;"><div style="margin-right: 10px; text-align: right;"> Edit</div><table border="1" style="width: 100%; border-collapse: collapse; text-align: center;"><thead><tr><th>Date</th><th>Start</th><th>End</th><th>Hours</th><th>Leave Type</th></tr></thead><tbody><tr><td>10/24/2014</td><td>2:00P <small>10/24</small></td><td>6:00P <small>10/24</small></td><td>4</td><td>REG (Regular Hours)</td></tr><tr><td>10/24/2014</td><td>6:00P <small>10/24</small></td><td>12:00A <small>10/25</small></td><td>6</td><td>SUS (Suspension without pay)</td></tr><tr><td>10/25/2014</td><td>2:00P <small>10/25</small></td><td>12:00A <small>10/26</small></td><td>10</td><td>SUS (Suspension without pay)</td></tr><tr><td colspan="3">Total Hours</td><td>20</td><td></td></tr></tbody></table></div> <div style="text-align: center; margin-top: 10px;"><< Back to Leave Summary Screen</div>					Date	Start	End	Hours	Leave Type	10/24/2014	2:00P <small>10/24</small>	6:00P <small>10/24</small>	4	REG (Regular Hours)	10/24/2014	6:00P <small>10/24</small>	12:00A <small>10/25</small>	6	SUS (Suspension without pay)	10/25/2014	2:00P <small>10/25</small>	12:00A <small>10/26</small>	10	SUS (Suspension without pay)	Total Hours			20	
Date	Start	End	Hours	Leave Type																									
10/24/2014	2:00P <small>10/24</small>	6:00P <small>10/24</small>	4	REG (Regular Hours)																									
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10/25/2014	2:00P <small>10/25</small>	12:00A <small>10/26</small>	10	SUS (Suspension without pay)																									
Total Hours			20																										
Leave Notes																													
<div style="display: flex; align-items: flex-start;"><div style="margin-right: 20px; text-align: right;"> Bentley, Steffan ref 16 hrs suspension 10/24/2014 04:24 PM</div><div style="border: 1px solid #ccc; height: 30px; width: 100%;"></div></div> <div style="margin-top: 20px; text-align: center;">New Note <div style="border: 1px solid #ccc; height: 30px; width: 100%;"></div><div style="background-color: black; width: 100px; height: 15px; margin: 10px auto;"></div></div>																													



El Paso Police Department

Exhibit 2

Gregory K. Allen, Chief of Police
Internal Affairs Division | 211 N. Florence, #205 | El Paso, Texas 79901
(915) 212-0157 | www.eppd.org

EXHIBIT B
18-1026-9892

06/02/2016 THU 17:32 FAX 9155324549 Jim Darnell, P.C.

002/002

JIM DARNELL, P.C.
ATTORNEYS AND COUNSELORS AT LAW

JIM DARNELL
jdarnell@jdarnell.com

JEEP DARNELL*
jedarnell@jdarnell.com
*Also Licensed in New Mexico

310 N. MESA ST., SUITE 212
EL PASO, TEXAS 79901
TELEPHONE (915) 532-2442
FACSIMILE (915) 532-4549

June 2, 2016

Via Facsimile 533-5117
Alyssa Perez

Via facsimile 212-0034
Linda Samples

Re: Name:	Officer Martina Elizalde
Dept:	Police Dept.
Type:	Suspension (16 Hours)
Docket No.	CSC Case No. 14-02-LG/JD
Dept Case No.	IA14-335
CLEAT File No.	EP

Ladies:

As I indicated at the close of the arbitration on May 31, 2016, my findings with regard to Officer Elizalde's 16 hour suspension are as follows:

1. I will uphold the finding that Officer Elizalde violated El Paso Police Department and City of El Paso Policies/Procedures/Rules and/or Regulations by asking Complainant, Hasabnna Leyva for her immigration status which was not relevant to the call for service she was handling on or about April 29, 2014.
2. I will modify the punishment from 16 hour suspension to a 10 hour suspension, and 10 hours of sensitivity training dealing with, as specifically as possible, interactions with the Hispanic Community/Mexican Nationals during the course of her work as an officer with the El Paso Police Department.

Thank you for your cooperation.

Sincerely,


Jim Darnell

JD/cd
02/4.doc

EXHIBIT B
18-1026-9892



Adjustment Form

Sch No. and PPE

1613 6/25/2016

Department Name

POLICE DEPT 21000

Authorized By Human Resources Department

Employee Name Martina Elizalde

Last 4 SS #

4 - SSN of

Kronos ID. #

006688

PPB Date	PPE Date	Pay Code	Hours (+/-)	Hourly Rate	Gross Amount (+/-)	HR VERIFICATION	FINANCIAL VERIFICATION	Reasons/Comments/Combo Code
10/19/2014	11/1/2014	ADM	6	32.734875	196.41			Reimbursement as per Arbitration Award Case #IA14-335.

Total 196.41

Department

Mariza Martinez

Payroll Clerk

Department Approval

Date

6/6/2016

Office of the Comptrollers

Enter By:

Schedule:

Review By:

Financial Serv. Approval

Date

Pay adjustments are:

Any hours or incentives that were not paid in prior pay periods.

Retro Adjustment are:

Any adjustments to increase or decrease the pay on codes that have already been paid (**DO NOT USE HOURS**)

Departmental Payroll clerk must ensure that the hourly rate times the hours are correct and use the pay rate which was in effect at the time of the period in which the adjustment was due.

Financial Services will return any incorrect amounts back to HR for further review and will not process until HR has reviewed and approved the second time, which may cause a delay in the payment.

(Revised copy 06/23/2015)

EXHIBIT B
18-1026-9892

IA14-335

INVESTIGATIVE SUPPLEMENTS

FAM

INCIDENT DATA

PROPERTY

Incident / Investigation Report

El Paso Police Department

OCA: 14-113148

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown															
D R U G S	Status		Quantity		Type Measure			Suspected Drug Type							
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer				Offender 1 Age: Race: Sex:			Offender 2 Age: Race: Sex:			Offender 3 Age: Race: Sex:			Primary Offender Resident Status Resident Non-Resident Unknown	
					Ssn:			Ssn:			Ssn:				
					Offender 4 Age: Race: Sex:			Offender 5 Age: Race: Sex:			Offender 6 Age: Race: Sex:				
					Ssn:			Ssn:			Ssn:				
S U S P E C T	Name (L, F M) AKA							Home Address					Home Phone		
	SSN:			Occupation			Business Address					Business Phone			
	DOB. / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color				
							Hair Style		Hair Length		Glasses				
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)														
	Hat			Shirt/Blouse			Coat/Suit			Socks					
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes					
	Was Suspect Armed?		Type of Weapon					Direction of Travel			Mode of Travel				
	VYR	Make		Model	Style/Doors	Color	Lic/Lis		Vin						
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							Type:							
	W I T N E S S	Name (Last, First, Middle)							SSN:		D.O.B.		Age	Race	Sex
		Home Address							Home Phone		Employer		Phone		
N A R R T I V E	TYPE OF WARRANT ISSUED: TRAFFIC WARRANT														
	OFFICER(S) NAME AND ID#(S): R. Escajeda 2971														
	ASSIGNED UNIT #: 1F181														
	PROBABLE CAUSE FOR DETAINMENT OR ARREST: TRAFFIC STOP														
	ARRESTEE(S) TAKEN FOR PAPERWORK TO: MVRC														
	VEHICLE IMPOUNDED: (NO)														
VEHICLE RELEASED: (NO) - FOLLOWED OFFENDER TO MVRC WHERE HE PARKED HIS TRUCK IN THE PARKING LOT.															
BOOKED INTO EL PASO COUNTY DETENTION FACILITY: (NO)															

Incident / Investigation Report

El Paso Police Department

OCA: 14-113148

Officer's Narrative (continued)

POSTED BOND AND RELEASED: (YES)

BOND OFFICE CLERK NOTIFIED: (YES) NAME:MARIA

TAKEN BEFORE A MAGISTRATE: (NO)

ADDITIONAL INFORMATION:

Officer Escajeda 2971, along with Officer Elizalde 1817, working as 1F181, were working a check point at the 9200 block of Escobar. OF-1 was issued a citation for no Driver License (18-691120). A warrant check through channel 1 revealed OF-1 to have 11 outstanding traffic warrants in the amount of: \$2834.13. Officer Escajeda followed OF-1 to MVRCC for processing. OF-01 was able to post a partial bond of \$2,000.00 and was released.

***** WARRANT INFORMATION *****

RE-FILED:

WARRANT#:	BOND AMOUNT:	OFFENSE:
18552244.2	357.50	FTMFR
33402993.2	416.00	ZONING NOT PERMITTED

Incident / Investigation Report

OCA: 14-113148

El Paso Police Department

Officer's Supplement

Officer 192501

Date / Time Reported WE Apr 23, 2014 11:10

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Incident / Investigation Report

OCA: 14-113148

El Paso Police Department

Additional Officer Supplements

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Officer (02971) ESCAJEDA, RUBEN JR

Supplement Type: Witness Interview :

Date / Time 4/23/2014 12:59

information of OF-1

EL PASO COUNTY DETENTION FACILITY ARREST SUPPLEMENT

SEARCHED BY / TIME (02971) ESCAJEDA, RUBEN JR / 13:00		ARREST NUMBER (ARREST ID) 26063121 (14-009758)		APPROVING SUPERVISOR Reta	
SUSPECT'S NAME LAST FIRST MIDDLE Maese, Ricardo			ARREST DATE 04/23/2014	ARREST TIME 11:15	
ALIAS / NICKNAME		DATE OF BIRTH 02/19/1973	PLACE OF BIRTH	CITIZENSHIP	
ADDRESS 1609 Globe, El Paso TX 79915		CITY	STATE	ZIP	SOCIAL SECURITY NUMBER 4 - SSN of Live Person
EMERGENCY NAME		PHONE		RELATIONSHIP	
EMERGENCY CONTACT ADDRESS			WARRANT CHECK <input checked="" type="checkbox"/> NCIC <input checked="" type="checkbox"/> TCIC <input checked="" type="checkbox"/> LOCAL		
EMPLOYER (NAME OF COMPANY/SCHOOL)		BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		BUSINESS PHONE	
SUSPECT'S PHYSICAL CONDITION (INCLUDE INJURY OR ILLNESS) NOT SICK OR INJURED			NEED FOR CAUTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS					
OFFICER'S REMARKS					
SEX M	RACE W	ETHNIC ORIGIN	HEIGHT 5'7	WEIGHT 0	EYES
HAIR		SKIN TONE		DRIVERS LICENSE NUMBER# 1 - DL Plts Reg or Ttl	
ID CARD NUMBER		STATE	TRANS. HAZ. MATERIAL	OPER. COM. VEHICLE	LICENSE EXPIRATION DATE
COMPLAINANT 1		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE ZONING-CODE VIOLATION MISC			STATUTE CITATION 00975 MC	OFFENSE CODE 00975
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE FELONY () MISDEMEANOR (X)		CAPITAL, 1, 2, OR 3 A, B, OR C	
WARRANT # 33402993.1	AUTHORITY MUNICIPAL COURT #1,			BOND \$416.00	
COMPLAINANT 2		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE Fail to maintain financial responsibility - 2nd offense			STATUTE CITATION 601.191	OFFENSE CODE 4010038
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE FELONY () MISDEMEANOR (X)		CAPITAL, 1, 2, OR 3 A, B, OR C	
WARRANT # 18438200.5	AUTHORITY MUNICIPAL COURT #1,			BOND \$357.50	
LOCATION OF ARREST 9100 Escobar Dr El Paso, Tx 79907				ARRESTING AGENCY El Paso Police Department	
ARRESTING OFFICER(S) LAST NAME 1. Escajeda, Ruben		ID#S 1. 02971	DEPARTMENT USB2		DIVISION MVRC
ARREST # - EPSO		ARREST # - EPPD	BOOKING #	DPS #	FBI #
PROCESSING <input type="checkbox"/> CITY <input type="checkbox"/> FULL <input type="checkbox"/> UPDATE <input type="checkbox"/> PLAIN-FBI <input type="checkbox"/> PLAIN-DPS <input type="checkbox"/> NP/CLEAR <input type="checkbox"/> PHOTO <input type="checkbox"/> PALMS <input type="checkbox"/> FBI-FULL <input type="checkbox"/> DPS-FULL					
LEFT HAND SIMULTANEOUS IMPRESSIONS		LEFT THUMB	RIGHT THUMB	RIGHT HAND SIMULTANEOUS IMPRESSIONS	

EL PASO COUNTY DETENTION FACILITY ARREST SUPPLEMENT

SEARCHED BY / TIME (02971) ESCAJEDA, RUBEN JR / 13:00		ARREST NUMBER (ARREST ID) 26063121 (14-009758)		APPROVING SUPERVISOR Reta	
SUSPECT'S NAME LAST Maese, Ricardo			FIRST MIDDLE		ARREST DATE 04/23/2014
ALIAS / NICKNAME			DATE OF BIRTH 02/19/1973	PLACE OF BIRTH	CITIZENSHIP
ADDRESS CITY 1609 Globe, El Paso TX 79915			STATE ZIP		SOCIAL SECURITY NUMBER 4 - SSN of Live Person
EMERGENCY NAME			PHONE		MARITAL STATUS RELATIONSHIP
EMERGENCY CONTACT ADDRESS			WARRANT CHECK <input checked="" type="checkbox"/> NCIC <input checked="" type="checkbox"/> TCIC <input checked="" type="checkbox"/> LOCAL		
EMPLOYER (NAME OF COMPANY/SCHOOL)		BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)			BUSINESS PHONE
SUSPECT'S PHYSICAL CONDITION (INCLUDE INJURY OR ILLNESS) NOT SICK OR INJURED				NEED FOR CAUTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS					
OFFICER'S REMARKS					
SEX M	RACE W	ETHNIC ORIGIN	HEIGHT 5'7	WEIGHT 0	EYES
HAIR		SKIN TONE		DRIVERS LICENSE NUMBER# 1 - DL Plts Reg or Ttl	
ID CARD NUMBER		STATE	TRANS. HAZ. MATERIAL	OPER. COM. VEHICLE	LICENSE PLATE NUMBER
COMPLAINANT 1		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE MVI VIOLATION			STATUTE CITATION 548.051 TRC	OFFENSE CODE 4010253
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE	FELONY MISDEMEANOR (X)	CAPITAL, 1, 2, OR 3 A, B, OR C	
WARRANT # 18552244.1	AUTHORITY MUNICIPAL COURT #1,			BOND \$185.00	
COMPLAINANT 2		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE REGIS/NO OR EXP M/C PLATE			STATUTE CITATION 00169 MT	OFFENSE CODE 00169
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE	FELONY MISDEMEANOR (X)	CAPITAL, 1, 2, OR 3 A, B, OR C	
WARRANT # 18438200.4	AUTHORITY MUNICIPAL COURT #1,			BOND \$143.00	
LOCATION OF ARREST 9100 Escobar Dr El Paso, Tx 79907				ARRESTING AGENCY El Paso Police Department	
ARRESTING OFFICER(S) LAST NAME 1. Escajeda, Ruben		ID#S 1. 02971	DEPARTMENT USB2		DIVISION MVRC
ARREST # - EPSO		ARREST # - EPPD	BOOKING #	DPS #	FBI #
PROCESSING <input type="checkbox"/> CITY <input type="checkbox"/> FULL <input type="checkbox"/> UPDATE <input type="checkbox"/> PLAIN-FBI <input type="checkbox"/> PLAIN-DPS <input type="checkbox"/> NP/CLEAR <input type="checkbox"/> PHOTO <input type="checkbox"/> PALMS <input type="checkbox"/> FBI-FULL <input type="checkbox"/> DPS-FULL					
LEFT HAND SIMULTANEOUS IMPRESSIONS		LEFT THUMB	RIGHT THUMB	RIGHT HAND SIMULTANEOUS IMPRESSIONS	

EL PASO COUNTY DETENTION FACILITY ARREST SUPPLEMENT

SEARCHED BY / TIME (02971) ESCAJEDA, RUBEN JR / 13:00		ARREST NUMBER (ARREST ID) 26063121 (14-009758)		APPROVING SUPERVISOR Reta	
SUSPECT'S NAME Maese, Ricardo		ARREST DATE 04/23/2014		ARREST TIME 11:15	
SUSPECT'S NAME LAST Maese, Ricardo		FIRST MIDDLE		CITIZENSHIP	
ALIAS / NICKNAME		DATE OF BIRTH 02/19/1973		PLACE OF BIRTH	
ADDRESS 1609 Globe, El Paso TX 79915		CITY STATE ZIP		SOCIAL SECURITY NUMBER 4 - SSN of Live Person	
EMERGENCY NAME		PHONE		RELATIONSHIP	
EMERGENCY CONTACT ADDRESS		WARRANT CHECK <input checked="" type="checkbox"/> NCIC <input checked="" type="checkbox"/> TCIC <input checked="" type="checkbox"/> LOCAL		BUSINESS PHONE	
EMPLOYER (NAME OF COMPANY/SCHOOL)		BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		BUSINESS PHONE	
SUSPECT'S PHYSICAL CONDITION (INCLUDE INJURY OR ILLNESS) NOT SICK OR INJURED		NEED FOR CAUTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS					
OFFICER'S REMARKS					
SEX M	RACE W	ETHNIC ORIGIN	HEIGHT 5'7	WEIGHT 0	EYES
HAIR		SKIN TONE		DRIVERS LICENSE NUMBER# 1 - DL Plts Reg or Ttl	
ID CARD NUMBER		STATE		TRANS. HAZ. MATERIAL	
OPER. COM. VEHICLE		LICENSE PLATE NUMBER		STATE YEAR	
COMPLAINANT 1		ADDRESS		CASE NO. 14-113148	
ORIGINAL AGENCY		OFFENSE NO DRIVER'S LICENSE (WHEN UNLICENSED)		STATUTE CITATION 521.021	
DATE OF OFFENSE 04/23/2014		FIREARM CODE		LEVEL & DEGREE FELONY () MISDEMEANOR (X)	
WARRANT # 18438200.2		AUTHORITY MUNICIPAL COURT #1,		BOND \$162.50	
COMPLAINANT 2		ADDRESS		CASE NO. 14-113148	
ORIGINAL AGENCY		OFFENSE Ran red light		STATUTE CITATION 544.007 TRC	
DATE OF OFFENSE 04/23/2014		FIREARM CODE		LEVEL & DEGREE FELONY () MISDEMEANOR (X)	
WARRANT # 18438200.1		AUTHORITY MUNICIPAL COURT #1,		BOND \$238.03	
LOCATION OF ARREST 9100 Escobar Dr El Paso, Tx 79907				ARRESTING AGENCY El Paso Police Department	
ARRESTING OFFICER(S) LAST NAME 1. Escajeda, Ruben		ID#S 1. 02971		DEPARTMENT USB2	
2.		2.		DIVISION MVRC	
ARREST # - EPSO		ARREST # - EPPD		BOOKING #	
DPS #		FBI #			
PROCESSING <input type="checkbox"/> CITY <input type="checkbox"/> FULL <input type="checkbox"/> UPDATE <input type="checkbox"/> PLAIN-FBI <input type="checkbox"/> PLAIN-DPS <input type="checkbox"/> NP/CLEAR <input type="checkbox"/> PHOTO <input type="checkbox"/> PALMS <input type="checkbox"/> FBI-FULL <input type="checkbox"/> DPS-FULL					
LEFT HAND SIMULTANEOUS IMPRESSIONS		LEFT THUMB		RIGHT THUMB	
				RIGHT HAND SIMULTANEOUS IMPRESSIONS	

ADDITIONAL ARREST
NARRATIVE CONTINUED

117 DATE AND TIME OF ARREST

04/23/2014

11:15

☐ AM
☒ PM
☐ MIL

118a. CASE #

14-113148

119 SFX

1

118b. ARREST #

14009758

120 ADDITIONAL ARREST INFORMATION

OTHER CHARGES

548.051 TRC - Mvi Violation - WARR# 18552244.1

00169 MT - Regis/no Or Exp M/c Plate - WARR# 18438200.4

521.021 - No Driver's License (when Unlicensed) - WARR# 18438200.2

544.007 TRC - Ran Red Light - WARR# 18438200.1

IND DIAGRAM

IND DIAGRAM

IND DIAGRAM

Volume: 0
Chapter: 4

Code of Ethics
Effective: April 8, 1999

0-401. WE RESPECT LIFE. We hold the preservation of life as our sacred duty. Our value of human life sets our priorities. (CALEA 1.1.2)

0-401.01 The primary responsibility of the officers of the El Paso Police Department is to protect the people within its jurisdiction and to uphold the Constitution of the United States, the Texas State Constitution and the laws derived there from.

0-401.02 Employees will respect and uphold the dignity, human rights, and constitutional rights of all persons.

0-401.03 Employees will not mistreat persons who are in their custody or care and will handle such persons in accordance with the law and Department procedures.

0-401.04 Officers will not use more force than is reasonably necessary and will use force in accordance with the law and Department procedures.

0-401.05 Employees will be courteous to the public. Employees will be tactful in the performance of their duties, will control emotions and exercise patience and discretion. Employees will not express any prejudice concerning race, color, religion, gender, politics, national origin, lifestyle or similar characteristics.

0-401.06 Employees will not allow their personal convictions, beliefs, prejudices or biases to interfere with the appropriate execution of official acts or decisions.

0-402. WE REVERE THE TRUTH. We accept nothing less than truth, honesty and integrity in our profession.

0-402.01 Employees will follow the principles of integrity, fairness and impartiality in connection with their duties.

0-402.02 Employees will not knowingly make false accusations of any criminal, ordinance, traffic or other violation.

0-402.03 Employees will treat the official business of the Department as confidential. Information regarding official business will be disseminated only to those for whom it is intended in accordance with established Department procedures. Employees will not divulge the identity of persons giving confidential information except as authorized by proper authority.

0-402.04 Employees will not make false official statements.

3-202. PATROL PROCEDURES.

3-202.01 RACIAL AND BIAS BASED PROFILING. Officers are strictly prohibited from engaging in racial and bias based profiling. The prohibition against racial and bias based profiling does not preclude the use of race, ethnicity, or national origin as factors in a detention decision by a peace officer as they may be legitimate factors in such a decision when used as a part of a description of a suspect or witness for whom a peace officer is searching.

A. Definitions.

1. **Racial Profiling:** a law enforcement-initiated action, such as a motor vehicle stop, a detention, a search, issuance of a citation, or an arrest, based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. Racial profiling pertains to persons who are viewed as suspects or potential suspects of criminal behavior. The term is not relevant as it pertains to witnesses, complainants, persons needing assistance, or other citizen contacts.
2. **Bias Based Profiling:** the selection of individuals for enforcement action based solely on a trait common to a group. This includes, but is not limited to race, ethnic background, gender, sexual orientation, religion, economic status, age, cultural group, or any other identifiable group.
3. **Race or Ethnicity:** means of a particular descent, including Caucasian, African, Hispanic, Asian, Native American, or Middle Eastern descent.
4. **Motor Vehicle Stop:** an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance. *(Amended on 08-04-2006 C06-20)(Amended on 12/15/2010 C10-13)*

3-202.02 OFFICER INITIATED REPORTING DATA. Officers, on or off-duty, who stop motor vehicles for an alleged violation of a law or ordinance and issue a citation or make an arrest will comply with the following:
(Amended on 12/15/2010 C10-13)

- A. The information required on the I-LEADS arrest module, and/or on a citation (both hard copy and e-ticket) will be completed for each person cited or arrested. In the event that several people are present when making a motor vehicle stop, information will be captured only for those who are cited or arrested. Officers making arrests and/or issuing citations will fill out the following fields:

C. False Alarms. If no signs of entry or attempted entry are found, Officers will generate an Alarm Response Notice. A copy of the form will be left at the address of occurrence. The original and all available copies will be forwarded to the Alarm Unit. Officers may, at their discretion, exempt certain causes of false alarms such as extreme weather or power failures. In such cases, an Alarm Response Notice is completed and the cause noted. No copies are left at the scene.

D. Security Alarm Permit. In accordance with the current City Alarm Ordinance, Officers will not respond to an alarm call when the address in question does not have a valid Security Alarm Permit issued by the City of El Paso. Exceptions include a duress alarm, a holdup or panic alarm, or a report to the Department by any person with specific information indicating that there is possible criminal activity taking place at the alarm site. Police Communications will verify the City's records for a valid Security Alarm Permit. In cases when a valid permit does not exist for a specific location Police Communications will advise the monitoring company that a police unit will not be dispatched as per Department policy. *(Amended 07-17-2006 C06-08)*

3-202.08 UNDOCUMENTED IMMIGRANTS. Officers of this Department may not arrest an individual based on their citizenship status. Probable cause for arrest must exist.

A. Release. When Officers determine, through legal means, that an individual is an undocumented immigrant, he or she will be turned over to U.S. Border Patrol.

B. Requests for Asylum. Immigrants requesting asylum in the United States will be referred to the U.S. Department of Immigration and Naturalization.

3-202.09 CIVIL PROBLEMS. The role of Officers on calls that are civil, not criminal, in nature is to preserve the peace, prevent crimes from occurring, and prevent an escalation of the civil problem. Officers will be objective to all parties. Parties may be advised to seek legal advice or assistance from other social agencies. Cases of repetitive occurrences may be referred to the appropriate PAR Officer.

3-202.10 ROUTINE BAR CHECKS *(CALEA 1.2.4 g).* Officers may conduct routine checks of bars, when time permits, to check the activities of persons within the bars and minimize serious violations of the law. Officers will adhere to the following:

A. Number of Officers. Bar checks will be conducted with a minimum of two Officers but no more than that number of Officers reasonably required to ensure Officer and public safety.



El Paso Police Department Citizen Complaint Form

WI: -

All spaces must be completed to process your complaint. Please fill out the back of this page.

Today's Date: 04/29/2014

Date of Incident: 04/29/2014	EPPD Case Number (If Known): -
Time of Incident: 10:34 AM	
Location of Incident: 501 Hawkins	

COMPLAINANT INFORMATION

Name: Alex Rivera ^{AZ 1961} ELIZABETH HOLGAIN	Date of Birth: 02/05/1967
Address: 2625 Portland	Telephone: (915) 599-7301

Driver's License / I.D. No.: 1 - DL Plts Reg or Ttl	Social Security No.: 4 - SSN of Live Person
Employer's Name:	Employer's Phone:
Employer's Address:	Employer's Zip Code:
Cellular Phone No.: (915) 599 - 7301	

ACCUSED EMPLOYEE(S)

1. Martina Elizalde	2.
---------------------	----

HAVE YOU REPORTED THIS INCIDENT TO ANYONE WITHIN THE EL PASO POLICE DEPARTMENT?

YES OR NO? Yes

IF YES, STATE WHO YOU NOTIFIED, WHEN AND WHERE

Please give a brief description of the incident.

Fui con my hija a la oficina de CPS a ver al nino de mi hija. Cuando estabamos ahi, vimos algunas cosas que no nos gustaron, el nino de mi hija parecia que no le habian cambiado el panal, y estaba embarrado de popo. El nino estaba rosado y tenia los ojos rojos de tanto llorar, no tenian desitine(ointment) y las luces se apagaban. Mi hija por poco y se cae con el nino en los brazos, y decidimos hablar a la policia. Llego una oficial con una actitud muy agresiva. Le empeso a alzar la voz a mi hija y le dijo que si no le gustaba que se fuera de ahi. La oficial le pidio identificacion a mi hija y le dijo, " tu no eres legal aqui", "le voy hablar al border patrol". Mi hija le dijo que les hablara, que ella era legal. Parecia que quieria provocar mi hija. La oficial le dijo a mi hija que ella no podia estar dentro del pais y le hiba a hablar al border patrol. La oficial parecia mas preocupada por el estatus legal de mi hija que tomar nuestro reporte. La oficial demostro racismo en contra mi hija por ser mexicana y no nos brindo la ayuda que pedimos.

Mission Statement

EPPD 36-22-091
Revised - July 2009

EXHIBIT B
18-1026-9892

I declare and affirm that my statement has been made by me voluntarily, without persuasion, coercion, or promise of any kind.

Complainant Signature & Date

Supervisor Signature & Date

Address:

ADDITIONAL INFORMATION



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Elizabeth Hogue (02/05/1967)

ADDRESS: 2625 Portland

PHONE: 915-599-7301

This statement is given voluntarily to: Sgt Arturo Ramirez
of the El Paso Police Department

By: Elizabeth Hogue

D.O.B.: 2 - Date of Birth

Address: 2625 Portland

Phone: H (915) 599-7301 W ()

DL/ID #: 1 - DL Pl's Reg or Ttl

SSN: 4 - SSN of Live Person

Date/Time: 04/29/2014 1420 hours

My name is Elizabeth Hogue and I am 48 years of age. I am presently employed by Topps Tire and Wheel (security) and have been so since 1 year, 1 month.. I am giving this statement voluntarily to Sgt Ramirez. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On Sgt Ramirez wrote this this statement in Spansish for the Complainant.

Fui con my hija a la oficina de CPS a ver al nino de mi hija. Cuando estabamos ahi, vimos algunas cosas que no nos gustaron, el nino de mi hija parecia que no le habian cambiado el panal, y estaba embarrado de popo. El nino estaba rosado y tenia los ojos rojos de tanto llorar, no tenian desitine(ointment) y las luces se apagaban. Mi hija por poco y se cae con el nino en los brazos, y decidimos hablar a la policia. Llego una oficial con una actitud muy agresiva. Le empeso a alzar la voz a mi hija y le dijo que si no le gustaba que se fuera de ahi. La official le pidio identificacion a mi hija y le dijo, "tu no eres legal aqui", "le voy hablar al border patrol". Mi hija le dijo que les hablara, que ella era legal. Parecia que queria provocar mi hija. La official le dijo a mi hija que ella no podia estar dentro del pais y le hiba a hablar al border patrol. La official parecia mas preocupada por el estatus legal de mi hija que tomar nuestro reporte. La official demostro racismo en contra mi hija por ser mexicana y no nos brindo la ayuda que pedimos.

1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
Yo pienso que la policia esta para ayudar a todos.
2. Can you identify any other persons who might have information relative to this investigation?
Mi hija, Alex Rivera y empleados de CPS.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Euf

Subscribed and sworn to before me, the undersigned authority, on this 29 day of April 2014.

NOTARY PUBLIC STATE OF TEXAS

Witness(s):



Texas USA
TX

IDENTIFICATION CARD

Deputy Director

4a ID **1 - DL Pts Reg or ...**

4b ISS **03/04/2014** 4b Exp **02/05/2021**

3 DOB **2 - Date of Birth**

1 **HOLGUIN**

2 **ELIZABETH**

8 **2625 PORTLAND AVE**
EL PASO TX 79930

16 Hgt **5-03** 15 Sex **F** 18 Eyes **BRO**

5 DD **16411450132034839830**

EW



El Paso Police Department Citizen Complaint Form

WI: -

All spaces must be completed to process your complaint. Please fill out the back of this page.

Today's Date: 04/29/2014

Date of Incident: 04/29/2014	EPPD Case Number (If Known): -
Time of Incident: 10:34 AM	
Location of Incident: 501 Hawkins	

COMPLAINANT INFORMATION

Name: Hasabnna Leyva	Date of Birth: 2 - Date of Birth
Address: 2625 Portland	Telephone: (915) 599-7301

Driver's License / I.D. No.:	Social Security No.: - -
Employer's Name: Unemployed	Employer's Phone:
Employer's Address:	Employer's Zip Code:
Cellular Phone No.: () -	

ACCUSED EMPLOYEE(S)

1. Martina Elizalde	2.
---------------------	----

HAVE YOU REPORTED THIS INCIDENT TO ANYONE WITHIN THE EL PASO POLICE DEPARTMENT? YES OR NO? Yes IF YES, STATE WHO YOU NOTIFIED, WHEN AND WHERE / /
--

<p>Please give a brief description of the incident.</p> <p>On 4/09/2014 at about 1015 hours, I was at 501 Hawkins visiting my baby boy Levi Leyva, 8 months old at CPS for visitation. I called the police because of the conditions of visiting center, my child was soiled and had not been changed and the lighting wa inadequate and I almost fell. The police arrived and the female officer walked up to me. I let her know what had happened. The Officer did not ask me anything, she asked me for my ID and when she looked at it, she asked me if I had a Texas Id. She asked me if I had papers, meaning immigration papers, immigration status. I told her to go ahead and check. She asked me again for my A number and paperwork, but I told her i don't have it with me. She asked me that I needed to have my proper immigration paperwork to show it to her. I felt that the officer had no right to ask me for my immigration papers since she is not immigration. I asked for her name and ID number and her supervisor. She refused to give me that information that I asked for. I asked her again and she got upset and quickly said her name and Id number. I asked her if she could write it down and she said that I could write it down. I asked her male partner and the female Officer told her not to write her information or supervisors name and that I could do it. I asked for a report and the female officer told me that she was not going to do one and if I call 9-11 again, she would take me to jail. I just wanted a report. We walked out and I realized that I didn't have the police officer information. My husband went back to the Officer to get information for the CPS complaint. The female officer said, you want a problem, I'll give you a proble, just like that.</p> <p>I feel the cop was racist towards me and that she did not help us out in anyway. I just wanted a report for the condition of my child. This Officer was more worried about my immmigration status than anything. I</p>

EPPD 36-22-091
Revised - July 2009

EXHIBIT B
18-1026-9892



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Hasabnna Leyva 07/04/1992

ADDRESS: 2625 Portland Ave El Paso

PHONE: 599-7301

This statement is given voluntarily to: Sgt Arturo Ramirez #1961
of the El Paso Police Department

By: Hasabnna Leyva

D.O.B.: 2 - Date of Birth

Address: 2625 Portland Ave El Paso

Phone: H (915) 599-7301 W ()

DL/ID #: 1 - DL Plts Reg or Ttl

SSN:

Date/Time: 04/29/2014 @ 1320 hours

My name is Hasabnna Leyva and I am 21 years of age. I am presently employed by unemployed and have been so since N/A. I am giving this statement voluntarily to Sgt Ramirez #1961. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On 04/09/2014 at about 1015 hours, I was at 501 Hawkins visiting my baby boy Levi Leyva, 8 months old at CPS for visitation. I called the police because of the conditions of visiting center, my child was soiled and had not been changed and the lighting wa inadequate and I almost fell. The police arrived and the female officer walked up to me. I let her know what had happened. The Officer did not ask me anything, she asked me for my ID and when she looked at it, she asked me if I had a Texas Id. She asked me if I had papers, meaning immigration papers, immigration status. I told her to go ahead and check. She asked me again for my A number and paperwork, but I told her i don't have it with me. She asked me that I needed to have my proper immigration paperwork to show it to her. I felt that the officer had no right to ask me for my immigration papers since she is not immigration. I asked for her name and ID number and her supervisor. She refused to give me that information that I asked for. I asked her again and she got upset and quickly said her name and Id number. I asked her if she could write it down and she said that I could write it down. I asked her male partner and the female Officer told her not to write her information or supervisors name and that I could do it. I asked for a report and the

female officer told me that she was not going to do one and if I call 9-11 again, she would take me to jail. I just wanted a report. We walked out and I realized that I didn't have the police officer information. My husband went back to the Officer to get information for the CPS complaint. The female officer said, you want a problem, I'll give you a problem, just like that.

I feel the cop was racist towards me and that she did not help us out in anyway. I just wanted a report for the condition of my child. This Officer was more worried about my immigration status than anything. I felt I was discriminated against for being mexican. She was unprofessional

The male officer appeared upset at the way the female officer was handling the call. I have no complaint against the male officer, he seemed intimidated by the female officer.

1. Do you have anything to add that may not have been covered by questions during the interview that is relevant or important to the investigation?
Just because Im mexican doesn't mean I should be treated the way I was. She was in my face trying to provoke me to do something to her.

2. Can you identify any other persons who might have information relative to this investigation?

Alex Rivera and my mon Elizabeth Holguin.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



Subscribed and sworn to before me, the undersigned authority, on this 29 day of April 2014.

NOTARY PUBLIC STATE OF TEXAS

Witness(s):







El Paso Police Department Citizen Complaint Form

WI: _____ - _____

All spaces must be completed to process your complaint. Please fill out the back of this page.

Today's Date: 04 / 29 / 2014

Date of Incident: 04 / 29 / 2014

Time of Incident: 1034 AM

Location of Incident: 501 Hawkins

EPPD Case Number (If known): _____

COMPLAINANT INFORMATION

Name: Alex Rivera

Date of Birth: 4 - SSN of Live Pe...

Address: 1811 N. Piedras

Telephone: (915) 493 - 3219

Driver's License / I.D. No.: 1 - DL Plts Reg or ...

Social Security No.: 4 - SSN of Live Person

Employer's Name: Unemployed

Employer's Phone: () _____ - _____

Employer's Address: _____

Employer's Zip Code: _____

Cellular Phone No.: () _____ - _____

ACCUSED EMPLOYEE(S)

1. Martina Elizalde

2. _____

HAVE YOU REPORTED THIS INCIDENT TO ANYONE WITHIN THE EL PASO POLICE DEPARTMENT?

YES OR NO? Yes, Sgt Vasquez

IF YES, STATE WHO YOU NOTIFIED, WHEN AND WHERE

04/29/2014/ Sgt Vasquez/ 1112 hours

Please give a brief description of the incident.

I was with my wife at the CPS office baby visiting center on Hawkins. My wife called the police because we were having issues on how to file a complaint about the condition of the visiting room. The employees and my wife were arguing about the room. The police got there and I saw the female officer talking to my wife, arguing to my wife about her ID not being from Texas. My wife has a Mexican Consular ID. The female cop was making it an issue that my wife did not have a Texas ID. The female officer was being hostile, telling my wife what her immigration status was and was more concerned about the legal status of why she was here. The female officer acted like she was in the Border Patrol. The female officer was looking for a reason to arrest my wife for no reason. My wife asked for the female Officers name, she said it very quick and my wife asked for the male officer to write her name down, the female officer told the male officer no, that my wife can write it herself. We walked out and then I went back a few minutes later so I could get the Officers name, so they could show that they had contact with the police (for my records), the female officer approached me and asked me if I had a problem, she would give me a problem. I managed to write the Officers names down and I left. My complaint is that the Officer was very unprofessional and was unhelpful.

I do not have any issues with the male officer, he was very helpful and provided me with the information that I was looking for.

EPPD 36-22-091
Revised - July 2009


EXHIBIT B
18-1026-9892

Mission Statement

It is the mission of the El Paso Police Department to provide services with integrity and dedication, to preserve life, to enforce the law, and to work in partnership with the community to enhance the quality of life of the City of El Paso. Your complainant against our employee(s) is considered serious and will be actively pursued for any misconduct. For this reason, please ensure that your complaint is based upon fact and you have provided us with all the facts to the best of your ability.

I declare and affirm that my statement has been made by me voluntarily, without persuasion, coercion, or promise of any kind.

 4-29-14
Complainant Signature & Date

 1961 4-29-2014
Supervisor Signature & Date

WITNESS INFORMATION

Name: _____	Telephone: () _____ - _____
Address: _____	

Name: _____	Telephone: () _____ - _____
Address: _____	

ADDITIONAL INFORMATION



EL PASO POLICE DEPARTMENT

ADMINISTRATIVE STATEMENT – COMPLAINANT

COMPLAINANT: Alex Rivera
ADDRESS: 1811 N. Piedras
PHONE: 915-493-3219

This statement is given voluntarily to: Sgt Arturo Ramirez #1961
of the El Paso Police Department
By: Alex Rivera
D.O.B.: 2 - Date of Birth
Address: 1811 N. Piedras
Phone: H (915) 493-3219 W ()
DL/ID #: 1 - DL Plts Reg or Ttl
SSN: 4 - SSN of Live Person
Date/Time: 04/29/2014 @ 1300 hours

My name is Alex Rivera and I am 29 years of age. I am presently employed by unemployed and have been so since N/A. I am giving this statement voluntarily to Sgt Ramirez. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

On I was with my wife at the CPS office baby visiting center on Hawkins. My wife called the police because we were having issues on how to file a complaint about the condition of the visiting room. The employees and my wife were arguing about the room. The police got there and I saw the female officer talking to my wife, arguing to my wife about her ID not being from Texas. My wife has a Mexican Consular ID. The female cop was making it an issue that my wife did not have a Texas ID. The female officer was being hostile, telling my wife what her immigration status was and was more concerned about the legal status of why she was here. The female officer acted like she was in the Border Patrol. The female officer was looking for a reason to arrest my wife for no reason. My wife asked for the female Officers name, she said it very quick and my wife asked for the male officer to write her name down, the female officer told the male officer no, that my wife can write it herself. We walked out and then I went back a few minutes later so I could get the Officers name, so they could show that they had contact with the police (for my records), the female officer approached me and asked me if I had a problem.

Texas USA
TX
IDENTIFICATION CARD

4d ID 2 - Date of Birth
4a Iss 11/30/2014 Exp 11/03/2015
3 DOB 2 - Date of Birth
1 RIVERA
2 ALEX P
6 1811 N PIEDRAS
EL PASO TX 79903-0000

16 Hgt 5-09 15 Sex M 18 Eyes BRO
5 DD 10411460118310399094

Handwritten signature: Alex Rivera

IA14-335

CIVILIAN WITNESS STATEMENT

FAM

EXHIBIT B
18-1026-9892



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT - WITNESS**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland El Paso Tx. 79930
PHONE:

This statement is given voluntarily to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
By: Priscilla Cox
D.O.B.: 2 - Date of Birth
Address: 501 Hawkins
Phone: (915) 521-3761
Date/Time: August 12, 2014 at 11:30am

My name is Priscilla Cox and I am 30 years of age. I am presently employed as a CPS Supervisor. I am giving this statement voluntarily to Detective Falisha Milner #2643. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

1. Please explain how you know the complainant Hasabnna Leyva and her family.
The Department has a civil suit against Ms. Leyva. Ms. Leyva has been validated for neglecting her son and the Department has temporary custody of her son.
2. Please explain if there are any special restrictions during the complainant's visitations at this facility and why.
Ms. Leyva is only allowed to visit with her son in a supervised setting at the Department where we have security in the building. All contact that the Department has with Ms. Leyva must be held at the Department only.
3. It's documented that the complainant Hasabnna Leyva-Ramirez was visiting her child on or about April 29, 2014 at 501 Hawkins when police were called to the facility at approximately 1023hrs. Please explain your knowledge of why police were called to the facility.
It is my understanding that Ms. Leyva was very upset because she disliked the visitation room at the Department. She was upset because there wasn't a changing table and she called the police to file a complaint against the caseworker.
4. Did you witness the complainant's interaction with the police officers on April 29th 2014? If so please explain your observations of what occurred between them.

No, I did not witness the interaction between Ms. Leyva and police officer. I was not present during this incident.

5. Did you observe one of the officers ask the complainant questions regarding her immigration status?
No, I did not observe any interaction between Ms. Leyva and police officer.
6. Did you hear or see one of the officers insist on seeing the complainant's immigration paperwork?
No, I did not observe any interaction between Ms. Leyva and police officer.
7. Did you observe one of the officers threaten to call border patrol on the complainant?
No, I did not observe any interaction between Ms. Leyva and police officer.
8. Did you witness either of the officers talking to the complainant in a manner that was disrespectful or anything other than professional?
No, I did not observe any interaction between Ms. Leyva and police officer.
9. Did the female Officer appear to engage in an argument with the complainant?
No, I did not observe any interaction between Ms. Leyva and police officer.
10. Did you hear the complainant ask the female officer for her name and badge number? If so, how did the officer respond?
No, I did not observe any interaction between Ms. Leyva and police officer.
11. Did you hear the complainant ask the Officers to generate a police report, regarding unsatisfactory conditions at the facility?
No, I did not observe any interaction between Ms. Leyva and police officer.
12. Are you aware of any racial profiling allegations that the complainant has made against CPS employees or staff at the facility. If so please explain.
Yes, Ms. Leyva has called the Office of Consumer Affairs and stated that wanted a new caseworker because her current caseworker was racist however; her caseworker is of the same race as Ms. Leyva.
13. Do you have any other information to add that is relevant to this investigation?
The Department has struggled a lot with Ms. Leyva because she is mentally ill. She has made several threats against the caseworker and she would call Law Enforcement on a weekly basis demanding her son be returned to her care. Ms. Leyva has threatened to call the CIA and sue the department because we will not return her son to her. She has been diagnosed with bipolar and up until about a month ago she was un-medicated.
14. Can you identify any other persons who might have information relative to this investigation?
Norma Roberts, CPS Supervisor she can provide you feedback as to who was present during the incident of April 29, 2014.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND
CORRECT TO THE BEST OF MY KNOWLEDGE.

Disalle Cox

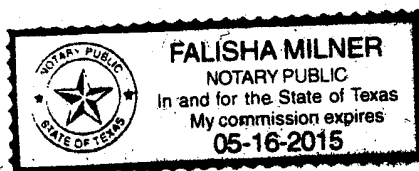
Subscribed and sworn to before me, the undersigned authority, on this th day of August
2014.

Falisha Milner 2013
NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____

2. _____





**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT - WITNESS**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland El Paso Tx. 79930
PHONE:

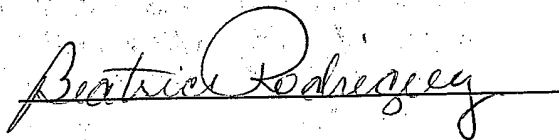
This statement is given voluntarily to: Detective Falisha Milner#2643
of the El Paso Police Department Internal Affairs Division
By: Beatrice Rodriguez
D.O.B.: 2 - Date of Birth
Address: 501 Hawkins El Paso Texas 79915
Phone: (915) 996-4857
Date/Time:

My name is Beatrice Rodriguez and I am 34 years of age. I am presently employed at The Department of Family and Protective Services. I am giving this statement voluntarily to Detective Falisha Milner #2643. I have not been forced, promised, or threatened in any manner to give this statement. I also understand that willful misrepresentation of any fact in a sworn document can subject me to possible charges of Perjury.

1. Please explain how you know the complainant Hasabnna Leyva and her family.
I am the assigned CPS caseworker for Hasabnna Leyva.
2. Please explain if there are any special restrictions during the complainant's visitations at this facility and why. Visits between Ms. Leyva and her son are supervised by a CPS worker to monitor the interaction. The visits will remain supervised until the Department states otherwise based on the progress, if any, made by the parent.
3. It's documented that the complainant Hasabnna Leyva-Ramirez was visiting her child on or about April 29, 2014 at 501 Hawkins when police were called to the facility at approximately 1023hrs. Please explain your knowledge of why police were called to the facility. I was verbally informed that Ms. Leyva was getting into an argument with her mother and/or child's father. They became verbally aggressive and were told to calm down or visit would end. I was told Ms. Leyva was the one who called the police but I am not aware as to her reasoning.
4. Did you witness the complainant's interaction with the police officers on April 29th 2014? If so please explain your observations of what occurred between them.
I was not present during the interaction on 4/29/2014.

5. Did you observe one of the officers ask the complainant questions regarding her immigration status?
I was not present during the interaction on 4/29/2014.
6. Did you hear or see one of the officers insist on seeing the complainant's immigration paperwork?
I was not present during the interaction on 4/29/2014.
7. Did you observe one of the officers threaten to call border patrol on the complainant?
I was not present during the interaction on 4/29/2014.
8. Did you witness either of the officers talking to the complainant in a manner that was disrespectful or anything other than professional?
I was not present during the interaction on 4/29/2014.
9. Did the female Officer appear to engage in an argument with the complainant?
I was not present during the interaction on 4/29/2014.
10. Did you hear the complainant ask the female officer for her name and badge number? If so, how did the officer respond?
I was not present during the interaction on 4/29/2014.
11. Did you hear the complainant ask the Officers to generate a police report, regarding unsatisfactory conditions at the facility?
I was not present during the interaction on 4/29/2014.
12. Are you aware of any racial profiling allegations that the complainant has made against CPS employees or staff at the facility. If so please explain.
Hasabnna Leyva filed an OCA complaint stating that I am being racist against her.
13. Do you have any other information to add that is relevant to this investigation?
No I do not.
14. Can you identify any other persons who might have information relative to this investigation?
No I do not.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.



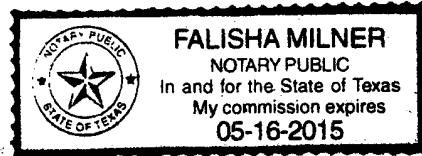
Subscribed and sworn to before me, the undersigned authority, on this th day of August 2014.

F. Milner 2043
NOTARY PUBLIC STATE OF TEXAS

Witness(s):

1. _____

2. _____



CPS REPORT AGAINST COMPLAINANT.

I N C I D E N T D A T A	Agency Name El Paso Police Department		INCIDENT / INVESTIGATION REPORT				OCA 14-147093		
	ORI TX0710200		Date / Time Reported TU May 27, 2014 10:00						
	#	Crime Incident	Equiv Code: 4010637	UCR: 999	Local Statute: 85 SG	<input type="checkbox"/> Att	Last Known Secure		
		INFO RECEIVED				<input checked="" type="checkbox"/> Com	TU May 27, 2014 10:00		
Crime Incident		Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att	At Found			
#	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att	TU May 27, 2014 10:00			
					<input type="checkbox"/> Com				
	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att				
#	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att				
					<input type="checkbox"/> Com				
Location of Incident 501 Hawkins Blvd Sb, El Paso, TX 79915					Premise Type Other/Unknown		Offense Tract MVR		
M O	How Attacked or Committed								
	Weapon / Tools								
V I C T I M	# Victims 0 Type		Injury		Residency Status		Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		
	Victim/Business Name (Last, First, Middle)		Victim of Crime #		Age / DOB		Race Sex		
	V1								
	Relationship to Offenders								
	Home Address				Home Phone				
	Employer Name/Address				Business Phone				
	VYR		Make		Model		Style		
	Color		Lic/Lis		VIN				
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved Code Name (Last, First, Middle) Victim of Crime # Age / DOB Race Sex RP1 Rodriguez, Beatrice 34 W F Home Address 501 Hawkins Blvd Sb, El Paso, TX 79915 Home Phone (915) 996-4857 Employer Name/Address C.p.s. Services / 501 HAWKINS BLVD. Business Phone (915) 996-4857								
	Code Name (Last, First, Middle) Victim of Crime # Age / DOB Race Sex IO2 Leyva-ramirez, Hasabnna Elizabeth 21 W F Home Address 2625 Portland Ave, El Paso, TX 79930 Home Phone (915) 599-7301 Employer Name/Address Unemployed Business Phone								
P R O P E R T Y	Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown (Check "OJ" column if recovered for other jurisdiction)								
	Victim #	UCR	Status - Date	Value	OJ	QTY	Property Description	Make/Model	Serial Number
Number of Vehicles Stolen 0		Number Vehicles Recovered 0							
ID	Officer (02253) GOMEZ, MICHELLE M			Officer Signature			Supervisor Signature (C1313) PEREZ, XAVIER		
Complainant Signature			Case Status: Further Investigation			Case Disposition:			
			May 27, 2014						

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown															
D R U G S	Status		Quantity		Type Measure			Suspected Drug Type							
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer				Offender 1 Age: Race: Sex:			Offender 2 Age: Race: Sex:			Offender 3 Age: Race: Sex:			Primary Offender Resident Status Resident Non-Resident Unknown	
					Ssn:			Ssn:			Ssn:				
					Offender 4 Age: Race: Sex:			Offender 5 Age: Race: Sex:			Offender 6 Age: Race: Sex:				
					Ssn:			Ssn:			Ssn:				
S U S P E C T	Name (L, F M)							Home Address					Home Phone		
	AKA														
	SSN:			Occupation			Business Address					Business Phone			
	DOB. / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color				
							Hair Style		Hair Length		Glasses				
	Scars, Marks, Tatoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)														
	Hat			Shirt/Blouse			Coat/Suit			Socks					
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes					
	Was Suspect Armed?		Type of Weapon					Direction of Travel			Mode of Travel				
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin								
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:									
	W I T N E S S	Name (Last, First, Middle)							SSN:		D.O.B.		Age	Race	Sex
Home Address							Home Phone		Employer		Phone				
N A R R T I V E	Rp-01 called the Telephone Report Unit and stated that she needed to file an information report. Rp-01 advised she is a Child Protective Service employee and has recently taken on a new case involving IO-02 (client). Rp-01 stated that IO-02's child is currently in CPS custody due to IO-02's erratic behavior, who may be suffering from a 5 - Section 552.101 . Rp-01 advised since approximately May 5th she has been receiving threatening phone calls and text messages from IO-02 and desired to have the incident documented for future use if need be.														
	Rp-01 advised IO-02 has displayed aggressive behavior towards her and made several threatening comments:														
	- IO-02 has stated that she has been sent by god to "distruct" Rp-01.														
	- IO-02 has stated that she will do what she needs to do, to teach Rp-01 a lesson.														
	- IO-02 has contacted the El Paso Police Department on two (2) occasions to report Rp-01 and CPS.														
	Rp-01 further advised that IO-02 had an officer appointment to visit with her child and was half an hour late during which time the appointment had been canceled. Rp-01 stated IO-02 showed up late and had to be physically removed by the security staff due to IO-02's aggressive behavior. Rp-01 stated														

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Narrative (continued)

she desired to have the incident documents for information purposes.

Incident / Investigation Report

OCA: 14-147093

El Paso Police Department

Officer's Supplement

Officer 1247

Date / Time Reported TU May 27, 2014 10:00

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

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**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Hasabnna Leyva
ADDRESS:
PHONE:

This statement is given to: Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: Sgt Ramirez #1961
Date & Time: 10/06/2014 @1730 hours

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Arturo Ramirez and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of **July 31, 1998**. I am currently assigned to the MVRC Evening Shift. I have been ordered to give an Administrative Witness Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Arturo Ramirez am under a direct order to disclose any and all information about the case I am being questioned.

- 1. It's documented in a supervisor's log that you spoke to Officer Elizalde on 04/30/2014 regarding allegations brought against her by the complainant Hasabnna Leyva. Please provide a detailed summary of your conversation with Officer Elizalde.*

I took the statements from the involved parties, regarding allegations that Officer Elizalde was acting like an immigration official.

I spoke to Officer Elizalde the next day to advise her of the complaint of her being more concerned with the Complainant's immigration status than the concerns that the complainant had called PD for. Officer Elizalde started by saying that she could check for immigration status. She said if people are here illegally, I'm going to call Border Patrol. I advised her that immigration status shouldn't matter and that she should not concern herself with people's citizen status. She seemed to get upset because "these people come over here without papers and complain about free services that they get". She stated that Mexicans just come over to get their free housing, food etc... I told her not to ask about immigration status because immigration is none of our business. She seems personally bothered by immigration issues. I think she agreed with me only to stop arguing. With her personality (abrasive), what the complainant alleged did not surprise me.

2. *Was Officer Elizalde receptive when you told her to stop checking for immigration status? Please explain.*

No, I didn't feel she was receptive. See answer #1 for more details.

3. *Did Officer Elizalde provide an explanation as to why she believed she had jurisdiction in immigration issues?*

Officer Elizalde's explanation was that she could check on the immigration status of people and if she found out they were illegal, then she was going to call Border Patrol. I advised Officer Elizalde that the procedures manual does allow us to call immigration, if during the course of our job, we discover an undocumented immigrant, but in the call that she had responded to, it was inappropriate, because the Complainant had called. I told her that immigration issues are a "non-issue", it doesn't matter if they are here illegally or not, it is not our business.

She stated that the reporter on the call was an illegal and that illegals have no right to be here in the United States. She then told me that she had immigrated from Germany the "legal way" so if she did it, then everybody else has too. I told Officer Elizalde, that she better stop inquiring or even asking about immigration status on calls because we are not the federal government and we have no business enforcing law we have no jurisdiction. She told me that she understood, but I felt that she just told me that to not argue with me.

4. *Are you aware of any issues or personality conflicts between Officer Elizalde and her probationary partner at the time of the incident, Officer Ruben Escajeda #2971?*

Yes, I am aware of issues and personality conflicts between Officer Elizalde and Officer Escajeda. Officer Elizalde approached me around late 2013, early 2014. I was looking for volunteers to be FTO's because the shift was expected to get new Officers. Officer Elizalde approached me and asked me if she

could be an FTO. I was hesitant, because I know that Officer Elizalde can be difficult, as far as personality, but she assured me that she was getting bored of the patrol routine and wanted a challenge of training a new Officer, so she could "re-motivate" herself as she put it. I decided to give her a chance and had her re-certified as an FTO.

I started noticing problems when she was with another Probationary officer. Officer Almaraz #2965. Officer Almaraz has since left the department to work with Homeland Security. At first everything seemed fine with her and Officer Almaraz. When I would talk to Officer Almaraz he seemed happy and he advised me there were no issues with his FTO. About two/ three weeks working together, I started to notice Officer Almaraz not as outgoing as he was. I asked him if he was OK and he stated that he and his FTO Elizalde were not working well as a team. He advised that she was nitpicking every little action he did, as far as screaming at him for not doing the correct times on the log sheet. Officer Almaraz advised me he understood that he was new and that he needed to learn, but he did not like the way Officer Elizalde was treating him. He complained that she was lazy Officer, that all she wanted to do was do traffic stops to get a 10-98 arrest. I continued to monitor Officer Almaraz to make sure he was going to be fine. I think not to cause issues, he started to tell me that everything was fine; he was not going to cause waves and was going to do his best to complete his probation. I would speak to Officer Elizalde, and she would tell me that Officer Almaraz was lazy and that he could not do simple task, like fill out the log sheet. She was calling Almaraz a rock, because she wanted the times rounded off as far as the time dispatched and when closing out the call. I guess he was having a hard time or not doing it to her liking. I told Officer Elizalde that I didn't think not filling out a log sheet "exactly" as she wants is not him being a "rock", I was more concerned with the Officer doing field work and contacts than to nitpick minor issues on the log sheet. I know how Officer Elizalde can become focused on a minor issue and make it a bigger deal than it has too. I told Officer Almaraz to stay focused and not to get discouraged.

Two months passed, and the FTOS and Rookies were rotated. Officer Almaraz was happy to be with a new FTO Officer Gonzalez #1845. I decided to put Officer Escajeda with Officer Elizalde, since after talking to him and getting to know him better, he seemed mature and squared away. He had worked as a corrections officer for 10 years and had worked at Socorro PD as an Officer prior to joining our department. At first, once again, everything seemed fine. Officer Elizalde even approached me about two weeks with Officer Escajeda and told me that Escajeda already had the experience and could be on his own. I told her and Officer Escajeda no, because he had only been on a little over two months. I told Officer Elizalde that I respected her view that Officer Escajeda was ready to go solo. After a few weeks, I began to notice Officer Escajeda not to be happy at being at work. I spoke to him and he advised me that Officer Elizalde was a very hostile FTO, that she was lazy and that she would yell and scream at him for nothing. She would not eat during the shift, and since she did not get along with other Officers on the shift, she would rarely go to other officer's calls. Officer Escajeda advised me that Officer Elizalde would only do traffic stops, looking for 10-98's or impound vehicles. She would rarely go to calls. He advised that he was

getting tired of doing the same thing over and over. I told Officer Escajeda to be patient and that he would be getting another FTO. I told him part of the FTO program is to get different FTO to get different viewpoints and to get the good and bad of working with different Officers. When I approached Officer Elizalde to ask her how Officer Escajeda was doing, she would tell me that he was lazy and unmotivated. I knew better than to believe her, since Officer Escajeda first FTO spoke highly of Officer Escajeda. Officer Elizalde also told me that she had told Officer Escajeda not to be on his cell phone, because according to her, he was always checking it. I told Officer Elizalde, that I had specifically told Officer Escajeda to get keep his phone on him and check for texts from me, because Officer Elizalde had told me that she did not like that I would text her on duty. She told me that she was on a limited text plan and did not want me to waste her text, when I can just call her. I told her that I would get a hold of her or Officer Escajeda through text if I needed them. She got argumentative that rookie Officers should not even have their phones in the car with them. I disagreed and told her that the phones are a supplemental tool for us and that he (Officer Escajeda) was told by me to have his phone on him. I use text messaging to notify officers of their court, or to call me when available or ask simple questions about the call they are on. I have also used text messaging to get a hold of officers when they do not answer the police radio or inquire about a call. She was not happy that I allowed the Officer to use, and by use I mean check for messages.

Initially, I though with Officer Almaraz, that perhaps it was a personality issue. But the second time, Officer Escajeda basically told me the same issues that he was having with Officer Elizalde. Since finishing with Officer Escajeda, I will no longer allow Officer Elizalde to train new officers of the EPPD. I am currently the FTO Sergeant for the shift.

5. *Has Officer Escajeda ever mentioned that he could not work or did not wish to work with Officer.*

I would talk to all the probationary officers a little after shift meeting to see how they were doing or if there were any issues going on with them. Officer Escajeda is a quite Officer to begin with, but he seemed even less so when he was with Officer Elizalde. The times I would ask Officer Escajeda how he was doing, he would start to talk, such as "well" then he would stop and tell me that everything was fine and that he was not going to cause issues. He would mention that Officer Elizalde was difficult to work with and if he could work with another FTO. I could tell that he was not happy being with FTO Elizalde, but I had no other FTO's available at the time. I advised Officer Escajeda that the FTO program was for him to be exposed to different FTO's with different policing work ethics.

6. *Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?*

Officer Escajeda is a mature Officer on the shift. His age and prior experience have given him many skills to deal with the public. I have received no complaints

from citizens or other officers on the shift regarding his professionalism or personality.

7. Please identify any other persons who might have information relative to this investigation? Just the officers that were working with me that night.

Ex-PD Officer Isidro Almaraz Cell Number is 3 - Emp Personal Info

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

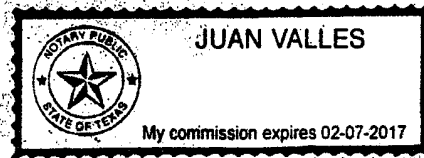
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE FALISHA MILNER #2643 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Arturo Ramirez #1961

Subscribed and sworn to before me, the undersigned authority, on this 6 day of October, 2014.

Juan Valles #2166
NOTARY PUBLIC STATE OF TEXAS

Witnesses:





**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland
PHONE: 915-599-7301

This statement is given to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: R. Escajeda
Date & Time: 10/07/2014 - 1516

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Ruben Escajeda and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of (February 10th of 2014). I am currently assigned to the MVRCC . I have been ordered to give an Administrative Witness Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, R. Escajeda 2971 am under a direct order to disclose any and all information about the case I am being questioned.

1. Do you stand by the sworn statement that you provided on August 20th 2014? Yes
2. Do you acknowledge having a copy of the statement during this interview? Yes

3. Please explain your knowledge of what Racial Profiling is? When a law enforcement officer takes a certain action based on the subjects race or ethnicity and not on the criminal action at hand. Or treating someone different because of their race and using authority to enforce or intimidate.
4. Based on your previous statement in question 35, you indicated that you recall several citizens that you and Officer Elizalde dealt with during the course of your duties who complained about the way that she treated them because they spoke Spanish. Please review your log sheets and highlight the calls and involved parties that complained to you. Log sheets provided and incidents were highlighted.
5. Please provide a synopsis of what occurred on the individual calls that you believed to be racial profiling. The first incident was on 04/23/2014 (14-113148). When the subject was stopped Officer Elizalde checked the subject for outstanding traffic warrants. The subject was confirmed in having several outstanding traffic warrants. I noticed that officer Elizalde was raising her voice at the subject when she would address him. At no time did I notice the subject become aggressive or show any violent behaviors towards officer Elizalde. When officer Elizalde walked away from the subject I approached him and asked him why the officer was yelling at him. He personally told me that officer Elizalde had threaten him and told him that she was going to call border patrol if he did not come up with the money to pay for his warrants. The subject was at no time aggressive and his demeanor was calm and very polite while he addressing officer Elizalde and myself. He also stated that she made several comments to him about his nationality, I cannot recall the comments. The second incident was on 04/29/2014. Officer Elizalde and I were dispatched to the CPS building in reference to a subject disturbance. Arriving, we met with the complainant. Complainant was upset at the facility. Office Elizalde then asked the complainant to show some sort of identification. The complainant showed to what I believe was a Mexican ID. Officer Elizalde then told her that wasn't a valid ID. At this point the complainant and officer Elizalde started arguing about the identification. They were yelling back and forth at each other. The complainant's mother and boyfriend were there and started to intervene. At this point I separated the mother and the boyfriend away from the complainant and officer Elizalde. Officer Elizalde started treating the complainant differently because of her Mexican ID that she provided. We as peace officers were there to keep the peace on a civil matter and not to discuss identifications and nationalities. The third incident was on 05/29/2014. We were dispatched to the Kennedy housing complex on a civil issue. On the way to the specific call officers Elizalde was commenting on how illigals come into this country and leach off the government and end up living in housing for free. This conversation was one of many that she would express. Arriving to the complex, we met with a subject that had been evicted and all he wanted was his property back. Officer Elizalde initiated first contact with the subject, the subject proceeded to explain his situation in Spanish to officer Elizalde. This is when officer Elizalde told him to talk her in English. The subject then told her that he did not know any English. I was standing behind officer Elizalde and I clearly heard her tell the subject, "DON'T BE CALLING THE POLICE IF YOU DON'T KNOW ANY ENGLISH". Then she walked away from

him, as she walked away she passed by me and told me "YOU WANNA HAVE PITY ON HIM?" At this point I approached the subject and told him that I personally heard the comment that officer Elizalde made. I instructed the subject to go the Mission Valley Police Station and submit a complaint. I also gave the subject my name, officer Elizalde's name and told him to go speak with Sgt. Ramirez. To also let him know that I personally witnessed the comment that was made. After the fact, the subject was then advised that he would need to meet with the housing management to address his problem. Officer Elizalde and I then met with the manager and instructed her that the subject only wanted his possessions.

6. In your previous statement, please answer question #7 regarding why you perceived the conversation that Officer Elizalde had with the complainant to be arguing? Both the complainant and officer Elizalde were raising their voice to the point of yelling at each other. Yes, when we first arrived the complainant was upset but she was only expressing her concern about the welfare of her child. It was not until officer Elizalde made the Mexican ID an issue, this is when the complainant felt offended and became defensive toward officer Elizalde. Officer Elizalde should have controlled her emotions and exercised patience. Due to the complainant showing a Mexican ID, officer Elizalde let her personal biases get in the way.
7. Do you have any personal issues with Officer Elizalde? If so please explain. I don't have any personal issues with Officer Elizalde. What I have is a different perspective on what she stands for and how she represents the department. Every time she disrespected someone or mistreats someone because of their race or ethnic background, little by little I lost respect for her. When she abuses her authority and belittles people, she represents the department in a negative and unethical way. When the citizens, civilians and constituents are getting mistreated or disrespected by Officer Elizalde, they don't see the person that's mistreating them, they see the uniform and the department that she is representing.
8. During the time that Officer Elizalde was your FTO, did she reprimand or speak to you about excessive use of your cell phone while on duty? If so did it affect the working relationship that you had with her? Yes she did, she got really upset when I told her that Sgt. Ramirez had authorized me to use my cell phone in case he needed to contact us, which he did in several occasions. After I questioned her authority she became really upset and started treating me differently. She became really hostile and aggressive in her ways. She only wanted things done a certain way and was very particular on how she wanted things done.
9. While on duty, what is your understanding of when officers can use their personal cell phone? When needed, as long as it does not interfere with the patrol duties. I was also instructed by Sgt Ramirez to have my personal cell phone on me at all times. He explained that officer Elizalde does not like to use her cell phone and he was going to call my cell phone as a point of contact. I explained to officer

Elizalde that on my first day of work I signed a contract issued by the Commander that I am allowed to use my personal cell phone on duty, as long as it does not get abused or get in the way of my patrol duties. Officer Elizalde did not approve of me questioning her authority and started acting differently toward me.

10. While riding with Officer Elizalde, did she not allow you to take a lunch break? If so did that affect the working relationship that you had with her? Yes, she did allow for a lunch break. She told me that we could take a 30 minute lunch break or have a 15 minute break but not both. Officer Elizalde does not take a 30 minute lunch or a 15 minute break. I being under her supervision was not going to do any differently than what she does.
11. How did Officer Elizalde treat you as her probationary officer? And were you intimidated by her? Please explain. She treated me well for the most part. I was not really intimidated by her but at the same time I didn't want to cause any problems with her. Going against her wishes or disagreeing with her could have made my 2 month riding with her very uncomfortable. I tried my best to avoid arguments and disagreements with her. When she insulted Mexican nationals, I being Hispanic would feel offended too. Taking in consideration that I was a new officer to the department and being on probationary status, I would swallow my pride and not make any waves.
12. If you had concerns or issues with the way that Officer Elizalde was treating Spanish speaking people or the threats that she made against them, did you ever attempt to bring it to her attention in any way? No, I did not want to upset her in any way, shape or form. Being a probationary officer, I do not have a leg to stand on. I knew that if I went against her opinion or disagreed with her on an issue it was going to be a difficult and a long 2 months. Yes, I did work in previous departments before coming to EPPD and I do know the difference between right and wrong. On the other hand, I am not familiar with how officers conduct themselves here in this department. When I was with officer Elizalde it seemed to be the norm for her to mistreat people of a different race. She and others knew about the multiple complaints that have been reported in the past and here she was, put in a position to teach probationary officers. What was I suppose to learn, how to discriminate people and get away with it for so many years. I did my best to document certain incidents and bring them to light when asked to do so. Incidents were documented and were presented to Detective Milner upon request.
13. On your previous statement please clarify your answer in question 15 by explaining how Officer Elizalde was being intimidating or how she was provoking the complainant. It was obvious that she was using the uniform and her authority to intimidate the complainant. I didn't see or hear much but I did notice Officer Elizalde raising her voice to the point of screaming to the complainant as she stood in a defensive manner, placing her right hand on her holstered weapon.
14. On your previous statement, in your answer to question #1 you indicated that the complainant started raising her voice after being told it was not a valid id. Was

Officer Elizalde's reaction to the complainant (arguing) a result of the way the complainant was speaking to her? Yes, but on the other hand, that is a normal reaction for officer Elizalde. Arguing and yelling is officer Elizalde's reaction to most complaints. On the daily basis, we encounter upset complainants. What she doesn't realize is that it's the officer's duty to defuse the situation and to prevent it from escalating.

15. On your previous statement question 31, you acknowledged that you witnessed Officer Elizalde making racial slurs or racial jokes; please explain in detail what she specifically said and why it was racial to you? On the daily basis she would comment on illegal immigrants coming into this country and living on welfare and food stamps. She would explain on how disgusted she was with people living in the housing projects and not trying to better themselves. When we would go to a call in the housing projects she would treat people differently when she found out they were from Mexico. She would not acknowledge them if they didn't speak English. If they did not speak English she would ask for identification and talk down to them. On several occasions she would make it an issue when subjects would show a Mexican consulate ID. She would change the matter of the call and make it into an argument about appropriate identification. When the reporting party would question her she would raise her voice and threaten them with calling border patrol or giving them some sort of citation. She would always laugh and criticize when we would see a young mother with several children and she would say that they were all probably living on welfare.
16. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation? On several occasions, officer Elizalde made comments on illegal immigrants coming to this country and leaching off of the government. She would talk with so much anger and disgust when she would comment about people living on welfare and housing. On one event that I recall, she was talking about all the complaints that she had gotten in the past. One in particular was when she called a co worker the "N" word. The way she explained it was sort of bragging in a way. She started by saying that she was working in a certain division that she hated and would do anything to get out of there. She said that her getting complained on was the best thing that could have happened to her. They were doing her a favor by removing her from a position that she hated so much. Also, during my 2 months with her, I would have to say that at least 99% of the times, people that she would pull over were of Hispanic decent. She would also not call out on the radio and advise dispatch or other officers that she was conducting a traffic stop. She would quickly pull over the subjects, cite them and release them.
17. Please identify any other persons who might have information relative to this investigation? Officer Chavira, E. Almaraz and Sgt Ramirez.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then

no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE MILNER GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

[Signature] 2971

Subscribed and sworn to before me, the undersigned authority, on this 8TH day of October, 2014.

[Signature] 2643

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



FALISHA MILNER
NOTARY PUBLIC
In and for the State of Texas
My commission expires
05-16-2015



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland
PHONE: 915-599-7301

This statement is given to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: Ruben Escajeda 2971
Date & Time: 08/20/2014 @ 2219hrs

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name is Ruben Escajeda and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of **February of 2014**. I am currently assigned to the **MVRC**. I have been ordered to give an Administrative Witness Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer R. Escajeda 2971 am under a direct order to disclose any and all information about the case I am being questioned.

1. It's documented that you and Officer Martina Elizalde #1817 responded to 501 Hawkins on or about April-29th 2014 at approximately 1023hrs in reference to a disturbance call at the CPS office. Please explain what was reported to you on this call by the complainant. We were dispatched to a subject disturbance at the CPS Office. Upon arriving we met with the CPS worker which stated that the

complainant was acting aggressive towards staff and was highly upset because of the facility. I then went to talk to the complainant and she did seem highly upset because of the facility and was stating it was unsafe for her baby. Officer Elizalde then asked the complainant for her ID. Complainant then provided some sort of Mexican ID, at this point I heard Officer Elizalde tell her that wasn't a valid ID. Complainant got upset and started raising her voice at Officer Elizalde. Boyfriend and the mother of the Complainant were outside the room and noticed the Complainant getting upset and they too started raising their voices. This is when I stepped out of the room to calm them down to keep the incident from escalating. Before leaving the room I did hear the Complainant asking for Officer Elizalde and badge #. I then heard Officer Elizalde tell her that she was not going to give it to her and that she did not need it. Due to the fact that I was outside the room talking with the other parties I was not able to hear the conversation between Officer Elizalde and the Complainant. I had then instructed the boyfriend, mother and the Complainant that they could have to go through the appropriate channels by complaining to CPS on the maintenance of the CPS building. Parties involved were instructed to file through the CPS grievance procedure and were advised that the issue at hand was not necessary a police issue and that were there only to keep the peace.

2. Explain your observations of the complainant's demeanor. Complainant was upset and worried for her baby's welfare.
3. Did you observe the complainant give Officer Elizalde a Mexican Consular ID? Not exactly sure if it was a Mexican Consular ID but it was some kind of Mexican ID.
4. Did you hear Officer Elizalde ask the complainant for a Texas ID? If so, what did the complainant say? No, I did not hear her ask for a Texas ID.
5. Why did Officer Elizalde need a Texas ID? What additional information did she need that the Consular ID did not have? I'm not sure what her intentions were.
6. Was Officer Elizalde arguing with the complainant? Yes
7. Why do you perceive the conversation that Officer Elizalde had with the complainant to be arguing?
8. Did you hear Officer Elizalde ask the complainant if she had papers, meaning immigration papers? Did she ask for any specific numbers from the complainant's papers? I did not hear that part of the conversation
9. How many times did Officer Elizalde ask for the complainant's paperwork? No sure

10. Did you hear the complainant ask Officer Elizalde for her name or badge number? If so how did Officer Elizalde respond? Yes, Officer Elizalde refuse to give her name and badge #.
11. Did Officer Elizalde tell you "not" to write her name and badge number down and that the complainant could write it down herself? Or something to that effect? I do not recall, I do recall giving the complainant and her boyfriend my name and officer Elizalde's name, I do remember the boyfriend wrote down the information provided.
12. Did the complainant ask Officer Elizalde to generate a report? If so, what was Officer Elizalde's response? I do not remember the complainant asking for a report.
13. Did you hear Officer Elizalde tell the complainant that if she called 911 again she would take her to jail or something to that effect? No
14. Did you hear Officer Elizalde tell the complainant or her husband that if they want a problem she will give them one or make a comment something to the effect? No
15. Did you see Officer Elizalde speaking to the complainant in a way to intimidate or provoke the complainant? Yes
16. Based on your observations, did Officer Elizalde try to resolve the problem that you were being dispatched to or was she informative to the parties involved? if so explain how. Officer Elizalde tried to resolve the problem by intimidation and she was not informative whatsoever. Officer Elizalde has stated to me that in several occasions she calls border patrol on illegal's that give her a hard time.
17. Do you have knowledge of a specific call or citizen encounter where Officer Elizalde has called Border Patrol for an illegal who was the subject of a criminal investigation? Yes, one citizen that we arrested for traffic warrants and he stated to me that she threaten him that if he didn't pay the fines she would call BP. She instructed me to arrest the citizen for traffic warrants. Case is recorded on I-Leads #14-113148.
18. Based on your observations of Officer Elizalde and the complainant, was Officer Elizalde more concerned about the complainant's immigration status than the issue that she was reporting? Its obvious that her concern was then immigrant status, she had such a concern for it that her and the complainant were arguing to the point of upsetting the boyfriend and grandmother. More concerned about the complainant's immigration status.

19. How long had you been on patrol at this point and how often did you ride with Officer Elizalde? After I graduated I spent 2 month with my first FTO then it was officer Elizalde. Approximately 3 months
20. Did you interview any other witnesses at the scene? if so what did they tell you? I talked to the boyfriend, at first he was calm until he reacted to the way officer Elizalde was talking to the Complainant.
21. Did Officer Elizalde give you any specific instructions while at this scene or intimidate you from handling this call in a different way? No
22. Were you able to make decisions on your own during this call? Yes
23. Did Officer Elizalde appear to be angry while dealing with the complainant? Explain her demeanor? Rude, unprofessional, intimidating. Officer Elizalde was demanding to see an ID that was appropriate to her standards. I noticed that instead of calming the situation she was provoking by talking down to the complainant in a demanding manner and raising her voice.
24. You stated you didn't hear the whole conversation, explain what you specifically mean by talking down to her? When the complainant handed the ID to officer Elizalde, officer Elizalde's tone of voice was rude. She raised her voice and told her in a loud, rude tone and told her that wasn't a valid ID.
25. Did you and Officer Elizalde discuss anything about this call after leaving the call? Please explain. Like every other call we went to, she would always complain about illegals being in this country without documentation and she's would always say she's fed up with it. In several occasions she stated that, "if I did it the right way so can they".
26. Was there anything that bothered you in the way that Officer Elizalde spoke to the complainant or anything that bothered you regarding the way that she handled this call? Yes, everything bothered me about the way she handled the call. She was rude unprofessional and was reacting by applying her own personal opinion about the complainant. As a senior officer that should be leading by example she should be fair and impartial when dealing with the public. She escalated an issue that could have been quickly resolved without no complaints. I, a probationary officer had to deescalate a situation that could have been avoided and that was created by a veteran, senior officer. Her unprofessionalism and racial remarks can get someone hurt.
27. Was there any indication that the complainant did not want to talk to Officer Elizalde because she is not Hispanic? No

28. Did Officer Elizalde check or tell you to check the complainant's immigration status? No, she did not check the complainant's immigration status nor did she tell me to do it.
29. Do you have knowledge of Officer Elizalde checking any other citizen's immigration status or have you been trained or instructed to do that? She has admitted to me in the past that she has called border patrol on people that she believes are illegal and told me there was nothing in police stating otherwise.
30. How long have you worked with Officer Elizalde as a probationary officer? I was assigned to her for 2 months.
31. During the time that you've worked with Officer Elizalde has she made any racial comments, racial slurs, remarks and or jokes in the course of her duties? If so did anyone else witness this? She made several racial remarks, comments and jokes about illegal immigrants to me. Officer Chavira and Officer Almaraz, (Officer Almaraz left to CDP and no longer is the department). They would also work with officer Elizalde on occasion and they also witnessed the same.
32. What did you do prior to joining the police department? What is your understanding of racial profiling? From 2001 to 2011 I was employed by the TX. Department of Criminal Justice as a correctional officer. From 2011 to 2013, I was employed with the Socorro Police Department where I personally witnessed corruption within the department and worked hand in hand with FBI and Texas Rangers to produced evidence that lead to several arrest, to include 1 Lieutenant, 1 Sergeant, 2 Detectives and 1 Officer. My past work experience has taught me the understanding of racial profiling and unethical behavior.
33. If you witnessed unethical conduct from Officer Elizalde, why didn't you notify a supervisor or senior officer? Fear if retaliation by her and other officers, being a probationary officer I don't want to cause any issues within the department that may affect my career.
34. Have any of your other FTO's acted in the same manner if a citizen produces a passport, Mexican Consular identification? NO, everyone on my shift and that I have worked with are very professional and handle calls accordingly.
35. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation? This is not the first racial complaint on officer Elizalde. Several citizens that we dealt with during our course of duty would complain to me about the way she would treat them because they were Spanish speaking. On one occasion I recall she told a subject not to be calling the police if he didn't know any English, then she walked away and told me to have "pity on him". On a second occasion she cited an elderly female that did not speak English. The female asked officer Elizalde to explain the citation to her before she signed it because she did not know how to read in English. I then witnessed officer Elizalde refuse to explain the citation and took out her handcuffs and showed them to the elderly female and

told her to "sign or else". Case # 14-113148, the subject that was arrested for traffic warrants admitted to me that officer Elizalde told him that he needed to pay all the fines or if not she was going to call BP.

36. Please identify any other persons who might have information relative to this investigation? Management at the CPS office. Officer Elizalde told them that the complainant got upset because she was questioned on the ID that she provided.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE LEE GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

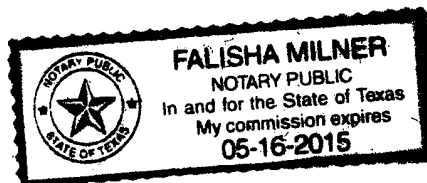
[Signature] 2643

Subscribed and sworn to before me, the undersigned authority, on this 20th day of August 2014.

[Signature] 2643

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



501 Hawkey
9/29/14 civil 1048
Leyva - Ramirez
Hasabna Elizabeth
2 - Date of Birth
2625 Portland
74930
~~269-9451/599-7301/599-7301~~
6/14
851-6149
97

04/29/2014

• says that he didn't put an
* because it was the first
time he started noticing
her doing the "profiling".
He said "her true colors
started coming out"

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5/29

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1008

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the Kennedy

Rodriguez Holguin,
Gerardo

2 - Date of Birth

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Spanish speaking

Dont call the police
if you dont speak
Spanish

05/29/2014

EXHIBIT B

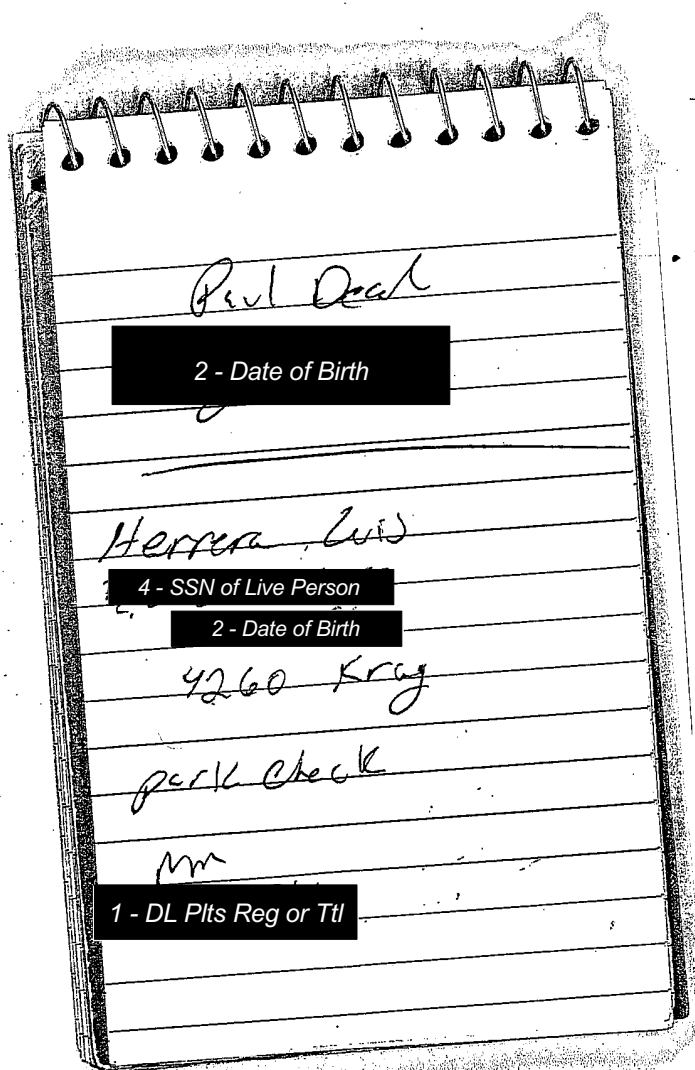
18-1026-9892

5-30-14
1412

cited a parked
car for
MVI

05/30/2014

- stated it wasn't
profiling on this but he
knew it was wrong to
cite a parked car.



Paul Deak

2 - Date of Birth

Herrera Luis

4 - SSN of Live Person

2 - Date of Birth

4260 Krag

perk check

mm

1 - DL Plts Reg or Ttl

- Regular pages in his notebook that were not marked w/ asterics

Jonathan Castillo

2 - Date of Birth

1644 Henry Derrig

Ashley Perez 3-12-95

7604 Mazatlan

1 - DL Plts Reg or Ttl

Razo, Benny Junior

4 - SSN of Live Person

Ep. 1 - DL Plts Reg or Ttl

2852 Anise

850-8205

TX DDB - 1 - DL Plts R...

EXHIBIT B

18-1026-9892

6-1

2118 Rele

Apt 22

Sandra Sinda

2 - Date of Birth

I.D.

1 - DL Plts Reg or Ttl

David Pisan

2 - Date of Birth

I.D.

1 - DL Plts Reg or Ttl



**EI PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland
PHONE: 915-599-7301

This statement is given to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: Jose Chavira #2969
Date & Time: 10/8/2014 @ 1430 hrs

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name Jose Chavira #2969 is and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of **Feb. 10, 2014**. I am currently assigned to the Mission Valley Command Center. I have been ordered to give an Administrative Witness Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Jose Chavira #2969 am under a direct order to disclose any and all information about the case I am being questioned.

1. Please explain your knowledge of what racial profiling is.
Racial profiling is taking any action based on a person's race or ethnic background; also based on any other biases or beliefs the person committing the racial profiling has against any group of people.
2. How often have you worked full crew with Officer Elizalde?

I have worked with Officer Elizalde 5 or 6 times, not on consecutive days only when my assigned FTO took the day off.

3. During the time you were full crew with Officer Elizalde did you witness her racially profile any person during the course of her duties.

I did observe Officer Elizalde racially profile one individual on a day I worked with her. We got dispatched to a welfare check, as we arrived we met with the reporter who was asking for assistance on the wellbeing of his daughter. The reporter did not speak Spanish and Officer Elizalde asked for an ID. The reporter presented an old expired Community College ID and Officer Elizalde told the reporter the ID was false and walked away towards the reporter's van. I continued to talk to the reporter to tend to the welfare check he requested. Officer Elizalde returned to where the reporter and I were standing and asked the reporter where his driver license was and that if he did not have a DL that why was he driving. The reporter told Officer Elizalde he was not driving and said he was calling for something else. Officer Elizalde asked me to walk with her to the van and on the way she told me everything was "bullshit" that the plate on the van was fake and that the reporter was illegal and that she would call immigration on him. We both returned to the reporter and Officer Elizalde told the reporter she needed a valid ID or she would call immigration on him. The reporter told Officer Elizalde he was aware of his immigration status and that he did not care if we called CBP but he asked if we could do a welfare check on his daughter first. Officer Elizalde told the reporter to go to his daughter's residence which was several houses down the street. I asked Officer Elizalde if he wanted me to place the reporter inside our unit or if she wanted him to walk over to the house. Officer Elizalde replied that neither, that she wanted the reporter to drive his van over to the house so she could see him driving and issue him the citations. The reporter refused to drive and Officer Elizalde, who was already sitting inside our unit, exited the unit yelling at the reporter to stop bullshitting her that he was driving that van to get into the van and drive to the house. The reporter looked at me and said he was not going to get into the van and asked why she was acting in that manner with him. Finally Officer Elizalde agreed to allow the reporter to ride on our unit. We drove to his daughter's house and we spoke with the ex-wife and the daughter of the reporter. The daughter was doing fine; the ex-wife had told the reporter the daughter had 5 - Section 552.101 multiple times just to get the reporter's attention. We advised the ex-wife accordingly and I asked Officer Elizalde if she would allow the reporter to see his daughter. Officer Elizalde stated no that the kid was fine that he had to leave. We drove the reporter back to his van and Officer Elizalde took the paper plates the van had and left the van without any plates and told the reporter to drive away. The reporter seemed hesitant about driving the van without a license plate but Officer Elizalde was adamant that the reporter drove his van away or she would tow the van. Officer Elizalde kept the license plate and I am uncertain what she did with it.

4. Have you witnessed Officer Elizalde refuse to assist someone because they did not speak English? Please explain.

I have not seen Officer Elizalde refuse to assist someone because they did not speak English maybe because I speak Spanish and I would take the lead on

talking to the non-English speaking individuals we encountered and translated the conversations we had for her.

5. Have you witnessed Officer Elizalde call Border Patrol on someone because they were uncooperative with her?
I have not witnessed Officer Elizalde call Border Patrol on anyone.
6. Have you witnessed Officer Elizalde actually call border patrol to check an individual's immigrant status.
I have not witnessed Officer Elizalde call Border Patrol on anyone.
7. Do you have a personal problem with Officer Elizalde?
I do not have any personal problems with Officer Elizalde. I do not agree with some of her practices i.e. the instance mentioned above, but due to my position as a probationary officer I decide to steer away and not create more problems by confronting her.
8. Explain your knowledge of Officer Escajeda and Officer Elizalde's working relationship.
Officer Escajeda would repeatedly and frequently tell me of how he did not like working with Officer Elizalde due to her racial profiling and I could see and hear how they both had negative friction between them. I would hear Officer Elizalde yell or discipline Officer Escajeda in front of other co-workers. While working with Officer Elizalde she did mention to me that she did not like Officer Escajeda because he was lazy and would not do what he was told to do.
9. Have you ever heard Officer Elizalde make negative or biased comments in reference to an individual's immigrations status or because they don't speak English.
Once during normal conversation Officer Elizalde did mention something to the fact that if people are coming over to the United States they should learn English. That she was going to travel to Mexico and expect people over there to cater to her in English.
10. Have you observed Officer Elizalde refuse to accept a Mexican identification card as a valid form of identification?
I have not observed Officer Elizalde refuse to accept Mexican identification cards as a valid form of identification.
11. Have you witnessed Officer Elizalde make racial jokes, derogatory comments or use racial slurs?
I heard her say once in a conversation I had with her that "all these people are stupid" that they come over and live off the government. On that instance I told her I was also Mexican and she stated yes but you obtained your papers and you are working.
12. Have you witnessed Officer Elizalde focus on a person's immigration rather than the call you were dispatched to?

The incident mentioned above. Officer Elizalde did not focus on the welfare check that we were dispatched to but was actually more focused on the wrongdoings of the reporter due to the fact that he was illegal and did not speak Spanish.

13. Have you ever had to deescalate a situation while working with Officer Elizalde?
I haven't had to deescalate a situation while working with Officer Elizalde.
14. Did you ever mention to Officer Elizalde that you did not agree with the way she was handling calls.
I have not mentioned to her I do not agree with her practices because of the status I have on this department. As a probationary officer I do not want to create any problems with other officers.
15. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?
I do not have any other information relevant to this investigation.
16. Please identify any other persons who might have information relative to this investigation?
The only other person would be Officer Escajeda.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. **FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.**

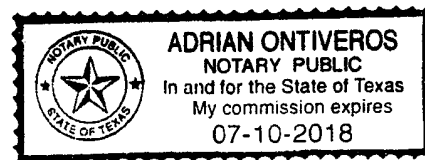
I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE MILNER GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

Milner #2969

Subscribed and sworn to before me, the undersigned authority, on this 8TH day of October, 2014.

[Signature]
NOTARY PUBLIC STATE OF TEXAS

Witnesses:





**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – WITNESS/SWORN**

COMPLAINANT: Hasabnna Leyva
ADDRESS: 2625 Portland
PHONE: 915-599-7301

This statement is given to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: Officer J. Lara #2942
Date & Time: 10/16/2014 0855 hours

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

My name Officer John Lara #2942 is and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of **October 7, 2013**. I am currently assigned to the Mission Valley Regional Command Center. I have been ordered to give an Administrative Witness Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Officer J. Lara #2942 am under a direct order to disclose any and all information about the case I am being questioned.

1. Please explain how long you worked with Officer Elizalde as your FTO? Officer Elizalde was my FTO for one month.
2. Please explain your knowledge of what racial profiling is. Racial profiling is when someone is targeting one race over another.

3. How's your working relationship with Officer Elizalde? I had a good working relationship with Officer Elizalde.
4. While you were being trained by Officer Elizalde did you witness her treat individuals differently if she believed they were illegal immigrants? At no time did we have an incident concerning or believed they were illegal immigrants.
5. Did you witness Officer Elizalde refuse to assist someone because they did not speak English? Please explain. At anytime Officer Elizalde refuse to assist however I will jump in to handle the Spanish speaking.
6. Have you witnessed Officer Elizalde stop, detain, or arrest someone based solely on the fact that she believed they were an illegal immigrant? No, I did not.
7. Have you witnessed Officer Elizalde call border patrol on someone if they were not the subject of a criminal investigation? No at anytime she did not call border patrol.
8. Have you observed Officer Elizalde request an individual's immigration documents? No at anytime Officer Elizalde requested document in my presence.
9. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation? I went full crew with Officer Elizalde for about 3 day out the month.
10. Please identify any other persons who might have information relative to this investigation? No other person.

Should you remember any relevant information, you are ordered to immediately notify the Internal Affairs Division and provide them with the information. If it is after hours, then no later than the next working day to an IAD supervisor. FAILURE TO COMPLY WITH ANY OF THE DIRECTIVES ABOVE CAN RESULT IN DISCIPLINE.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE MILNER #2643 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

[Signature] #2942

Subscribed and sworn to before me, the undersigned authority, on this 16th day of October, 2014.

[Signature] 2643

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



FALISHA MILNER
NOTARY PUBLIC
In and for the State of Texas
My commission expires
05-16-2015

IA14-335

ACCUSED OFFICER(S) STATEMENT

FAM

EXHIBIT B
18-1026-9892



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE STATEMENT – ACCUSED/SWORN**

COMPLAINANT: Hasabanna Leyva

ADDRESS:

PHONE:

**This statement is given to: Detective Falisha Milner #2643
of the El Paso Police Department Internal Affairs Division
by: Officer Martina Elizalde #1817
Date & Time: 10/09/2014**

**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
ADMINISTRATIVE FORM**

I have been advised that I will be questioned as part of an Official Administrative Investigation. I will be asked questions specifically directed and narrowly related to the performance of my official duties or fitness for office. I am entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate myself, in criminal matters. I also have certain rights granted to me by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

I have been further advised that if I refuse to testify or to answer truthfully question relating to the performance of my official duties or fitness for duty, I will be subject to Department charges and disciplinary action up to and including termination. If I do answer, neither my statements nor any information or evidence gained by reason of such statements can be used against me in any subsequent criminal proceedings. However, these statements and any information or evidence gained by reason of such statements may be used against me for any other lawful purpose including but not limited to disciplinary action.

On October 9, 2014 at 211 N. Florence (Internal Affairs Office), I was ordered to give this report (statement) by Detective Falisha Milner #2643. I submit this report (statement) at her order as a condition of employment. In view of possible job forfeiture, I have no alternative but to abide by this order."

"It is my belief and understanding that the Department requires this report (statement) solely and exclusively for internal purposes and will not release it to any other agency or authority except as is required by law. It is my further belief that this report (statement) will not and cannot be used against me in any subsequent proceeding other than disciplinary proceedings within the confines of the department itself."

"For any and all other purposes, I hereby reserve my constitutional rights to remain silent under the FIFTH and FOURTEENTH AMENDMENTS to the UNITED STATES CONSTITUTION and other rights PRESCRIBED by law.

Further, I rely specifically upon the protection afforded me under the doctrines set forth in **Garrity Vs. New Jersey** 385 U.S. 439 (1967), **Spevak vs. Klein** 385 U.S. 511 (1967) and **Gardner vs. Broderick** 392 U.S. 273 (1968), should this report (statement) be used for any other purpose of whatsoever kind or description."

My name is Martina Elizalde and I am employed by the El Paso Police Department as a Police Officer and have been since the date of my commission of 10/16/1996. I am currently assigned to the [MVRC]. I have been ordered to give an Administrative Statement to **Detective Falisha Milner #2643** of the El Paso Police Department/Internal Affairs Division and address the following issues:

I, Martina Elizalde am under a direct order to disclose any and all information about the case I am being questioned.

1. On or about 04/29/2014 you and Officer Escajeda were dispatched to 501 Hawkins in reference to a subject disturbance, where you met with the complainant Hasabnna Leyva. Please provide a detailed summary of your involvement with this complainant. When we arrived at the address, we were escorted into the back of the building by one of the CPS workers. We were told that the COMPLAINANT, Ms. Leyva, was back there visiting with her baby. When I walked down the hallway, I could hear a female yelling at someone else. When I arrived at the visitor room, the CPS worker identified Ms. Leyva (who was doing the yelling) as the one who called the police. I went up to Ms. Leyva and asked her how I can help her. Ms. Leyva, agitated and in a loud voice, immediately told me that she was going to file charges on CPS because these facilities were filthy and CPS is putting her baby at risk having dirty toys and generally unclean, unhealthy facilities. The room we were in had a lazy chair and towards the back it had a viewing window and a small play area for children with toys and a small table and chairs. I asked Ms. Leyva repeatedly to show me the dirty toys she was talking about but each time she either ignored me or went on to another subject of how she tripped and almost fell when the light turned off in the room and she had her baby in her arms. I never got Ms. Leyva to show me a filthy toy (one of the main complaints). I also briefly looked at the toys and the play area and everything looked very clean to me. Ms. Leyva wanted to press charges against CPS but I kept telling her that no crime had been committed and that she would have to lodge a complaint through their sources. Ms. Leyva would not listen and kept up her complaining about CPS and how they took her baby and how they were putting her baby at risk just being in those facilities. By that time I already established that this was a civil problem and for the log sheet, I asked Ms. Leyva for her ID. Ms. Leyva handed me a Mexican consulate ID Card. Knowing that this ID card is being issued by the Mexican Consulate to illegal aliens, I asked Ms. Leyva if she was here illegally. Ms. Leyva immediately started yelling at me saying that she had papers to prove that she was in this country legally and that I am prejudiced against her. While I wrote down her information, I advised Ms. Leyva that if she had papers that she needed to have them with her at all times. This I know because I came to this country with a green card and was told repeatedly by immigration that I HAD to have that ID with me always. While

talking to Ms. Leyva, I had to raise the volume of my voice several times because she would not stop yelling about suing and complaining about everyone in here.

At one time while we were standing in the visitor room, the light turned off. Ms. Leyva yelled and said that this was very dangerous and how she could have tripped and hurt herself and the baby. I stepped outside across the small hallway into another room and talked to a CPS employee about the lights. Apparently the lights worked off a motion sensor and when there's not much movement in the room for a certain amount of time, the lights turn off. The CPS employees agreed that this could be a problem and said that it would be corrected. While I was talking to the CPS worker, Officer Escajeda was talking to Ms. Leyva. Ms. Leyva would not hear that we were not going to do something about CPS and demanded to know my name. I told her at least twice and also told her my ID number and she could see my name tag because she was standing facing me. The CPS workers also kept telling Ms. Leyva about the procedure to file a complaint against them. After that Officer Escajeda and I walked out, followed by Ms. Leyva and her (presumably) husband. When outside the building, Officer Escajeda and I were approached by Ms. Leyvas' husband who held a notebook and pen. He was very polite and asked us our names and ID numbers, which we gave to him and he wrote it down. He and Ms. Leyva then drove away.

2. What was her main complaint regarding the reason(s) that she called police to the scene and how was that issue handled?

To complain about CPS; the employees, the facilities and how she was being treated by them. We (I) advised her as good as we could.

3. Did the complainant ask you to file a report for her? Please explain.

No. She kept saying that she wanted to file charges against CPS and I kept telling her that nothing criminal happened and that she needed to file a complaint through their channels.

4. What type of identification card did the complainant give you?

Ms. Leyva handed me a Mexican Consulate issued ID Card.

5. Did you tell the complainant that her identification card was not valid and did you request a Texas I.D? If so explain why.

Knowing this type of ID card is being used mostly by illegal aliens, the only question I asked Ms. Leyva was if she was here illegally and if she had a TX ID Card.

6. Did you question the complainant's immigrant status after seeing her Mexican Consular Identification Card? If so for what reason and explain how it was relevant to the reason(s) you were dispatched.

Yes, I asked her once about her status. I wanted positive and correct information for my logsheet and for a possible report (at this time I did not have enough information about this whole situation and was unsure about if I was going to document anything).

7. Did you request to see the complainant's immigration papers? if so why and how were they relevant?

No. After she told me that she had papers, I only advised her that she had to have them with her at all times.

8. Explain your intentions for inquiring about her immigration status.

There was no intention about inquiring about Ms. Leyva's legal status. I usually ask the same ONE question when someone hands me that type of ID and they are being hostile or uncooperative.

9. Did the complainant ask for your supervisor's name? If so did you provide that information to her?

No. Ms. Leyva did not ask for my supervisor's name.

10. Did the complainant ask you for your name and badge number? If so did you provide that information to her?

Yes. I provided her with my name and ID at least twice verbally and then gave the same to her husband, who wrote it down.

11. Did you yell or raise your voice while dealing with the complainant?

Yes. I had to raise my voice several times because Ms. Leyva was so loud and that was the only way Ms. Leyva would quiet down for a few seconds to listen to what I asked or told her.

12. Did you make a statement to the complainant and or her husband that if they wanted a problem you would give them one?

No.

13. Did the complainant and her husband say that they wanted to file a complaint.

Yes.

14. Explain how this call was closed out with the involved parties at the scene and why it was not necessary to generate a report.

Ms. Leyva was advised as best as possible. No offense had been committed and therefore no report was generated. Because Ms. Leyva had a problem with CPS and they have their own procedure for complaints, I did not see the need for an Information Report, either.

15. If the complainant had a Texas I.D. would that have changed your actions or the way this call was handled?

No. The type of ID Card is not an issue as to how I handle a call. A Texas ID Card would not change the fact that this was not a criminal complaint.

16. How was Officer Escajeda reacting to the complainant and the issues she was complaining about?

Officer Escajeda (and I) were commenting about how someone would bother calling the police because they had an issue with someone else's dirty toys.

17. Is there a problem with you assisting any particular group of people during the course of your daily duties?

No. And please keep in mind that the Lower Valley is probably 90%+ Hispanic and I do my job based on crime and crime prevention, not on race or legal status. I cannot

recall all the times I talked a crime victim into making a report, which she (very few males) did not want because of her legal status.

18. Explain the working relationship that you had with Officer Escajeda while you were his FTO?

At first it was good. I had Officer Escajeda through his 3rd and 4th month. From the time Officer Escajeda got out of the academy, he was convinced that he should not have to work with an FTO based on his vast experience during his two years as a Socorro Police Officer. Officer Escajeda told me that he was glad that he got me as an FTO because he heard that I had a reputation as being very by-the-book and having high standards and he was hoping that a glowing evaluation from me would get him to be solo. I told Officer Escajeda that he had two months to show me if he could do the job and if I think that he is capable, I would certainly write an endorsement and a recommendation that he was capable of handling the job already. Officer Escajeda did well but not exactly outstanding. He never was a go-getter, meaning that whatever call we were on, Officer Escajeda was always behind me and was more than happy to play a supporting role instead of making contact and handling the call on his own. On the other hand, Officer Escajeda had no problem when I would tell him that he was going to handle that call. I never take 10-10 or 10-7 but I told Officer Escajeda (like I tell every probationary Officer I work with) that I do not take a 10-10 but if they want to take a 10-7, they can pick the place and time. For the first three weeks we would go to lunch. At the beginning, Officer Escajeda tried to pay for my lunch several times but I would not let him. Only once did he pay and then the next day I paid for both of us. After about three weeks, Officer Escajeda told me that it was getting to be a little expensive and asked me if it was ok if we would bring lunch. I had no problem with that and told him that just because we have our own lunch, it doesn't mean we have to eat in the car and if he wanted to go somewhere (like a park or the station), to feel free and call out. He never did. After about a month or so, I talked to Sgt. Ramirez (FTO Sgt.) about Officer Escajeda wanting to go solo. I also told Sgt. Ramirez that I was going to check him out and would be willing to put it on paper if I believed that he was capable and ready. Of course Officer Escajeda still would have to be checked out by Sgt. Ramirez and/or Lt. Lucero (in charge of the FTO program). Sgt. Ramirez said he's bring it up to the Lt.. Maybe a week later, Sgt. Ramirez informed me that this was not going to happen (Officer Escajeda going solo), no matter what. After I told Officer Escajeda about this, his attitude changed. All-of-a-sudden he became argumentative about everything, from me telling him to put his cell phone away when he would sit in the driveway of a business or a red light to accusing me that I told a certain individual about getting his horribly matted dog to the groomer only because he was a sex offender! However, when we dealt with the man, it was Officer Escajeda who made the comment that the guy "looks like a sex offender" and I asked him what a sex offender looked like. Officer Escajeda would stop on the shoulder of the freeway (left shoulder) with the right tires on the line so I either could not get out or had to open the door into the traffic lane (which I did without a comment). But when it was time to get back into the car (the freeway was flowing fast again), I told him to move the car over. He did but not enough for me not to have to step into the traffic lane. When he finally moved the car enough so I could safely get into the passenger seat, I asked him what this was all about to which he replied that I did the same to him the other day, referring to a call on the freeway on the right shoulder (Escajeda was driving), thus was in control of where he parked, where I actually had to tell him to get out of the car to see if

the stranded motorist needed any help. Of course I also got out of the car but Officer Escajeda was unhappy that I made him get out because "I hate to do traffic on the freeway". Little things like that were an ongoing issue the last two+ weeks we were working together and I documented most of it and the evaluation was accordingly written. Since then, Officer Escajeda has not talked to me or even looked at me which really doesn't bother me a whole lot.

- 19.** Please review case #14-113148. Do you recall working this check point and making this arrest? Did you tell this arrestee that if he did not pay the total amount for his tickets that you were going to call Border Patrol or something to that effect? Please explain what occurred on this arrest.

Yes, I recall this arrest. I directed the arrestee into the parking lot of the park and wrote him a citation for not having a driver's license. A warrant check showed he had well over \$2,000 worth of traffic warrants. While Officer Escajeda stood by with the arrestee, I walked over to the check point to inform Sgt. Ramirez about what he wanted done (arrest or no arrest). Sgt. Ramirez told me to go ahead with the arrest. I told Sgt. Ramirez that I would not impound the truck because the arrestee had been cooperative. When I went back to the arrestee, I told him about the warrants and informed him that if he or someone could pay the amount at the MVRC, he would be released from there. When he asked me what would happen if he did not have the money, I told him that he would be transported to the County Jail where he would most likely be picked up by the Border Patrol when they come and do their checks at the jail.

- 20.** Did Escajeda not want to make this particular arrest?

I do not know if Officer Escajeda wanted to make the arrest or not as it was up to the Sergeant to decide. However, Officer Escajeda was told by Sgt. Ramirez to escort the arrestee to the station (follow his truck that the arrestee parked in the MVRC parking lot) and start the paperwork.

- 21.** Please review your log sheet from 05/29/2014. You and Officer were dispatched to a subject disturbance call at 447 Schutz, in addition comments on the call advised that the reporter was requesting a Spanish speaking unit. Please explain what occurred on this call.

I don't recall that the reporter requested a Spanish speaking unit and I do not recall if I even had the MCT turned on (probationer needs to learn to listen to the radio more). As always, I was several paces ahead of Officer Escajeda when I made contact with the reporter. Since he only seemed to speak Spanish, I told Officer Escajeda to talk to him to find out what the problem was. While Officer Escajeda talked to the reporter, the manager of the apartment complex walked up and filled me in on what was going on. Apparently the reporter (who had just been released from the County jail for FAMV against his disabled wife who was living in that apartment but was in a care facility at this time) had already been given access and had removed personal belongings. A PAR Unit also showed up and talked to the reporter. All the dealings were done in Spanish and the reporter was advised by the other Officers and sent on his way.

- 22.** Regarding the previous question, did you tell the reporter "don't be calling the police if you don't know any English" or something to that effect?

I did not talk to the reporter except to ask him for his ID in Spanish. As soon as I found out that he did not speak English, Officer Escajeda was the one talking to him.

23. It's documented that Sgt Ramirez spoke to you the following day in regards to a complaint being generated against you. Please explain the conversation that you had with Sgt Ramirez about your actions at this scene.

Sgt. Ramirez informed me that I could not ask a person if they were illegal. I told Sgt. Ramirez that the only time I do this is when I have dealings with them where I need their information for either log sheet, report or ticket. It's not as if I stop people on the street asking for their papers. Sgt. Ramirez told me that I could not do this as this was racially discriminating against a person. When I asked for an explanation as to how this could be viewed as racial, Sgt Ramirez was unable to provide me with an explanation and just told me not to do this anymore.

24. Did you tell Sgt Ramirez that you can check individual's immigration status and call Border Patrol if you think the person is illegal? If so please explain who you check and why.

I probably told Sgt. Ramirez something to the effect that if I know a person is illegal, I can call the Border Patrol. However, I only do this in very rare cases, maybe once a year or so. Always stemming from a traffic stop where I do not have positive ID (with that I mean NO ID – not a Mexican Consulate ID Card, not a Mexican D/L or the Mexican Voter Registration Card). Most of the times they actually lie about their name and DOB, which is really irrelevant because I cannot write a ticket without positive ID. So in order to obtain positive ID, I call the Border Patrol who has a different way of checking. Because most illegal immigrants around here have been caught before, they are usually in the system and I am able to obtain a good ID and am able to issue the appropriate ticket(s).

25. Do you arrest individuals based on their citizenship status?

Of course I don't arrest anyone based on their citizenship status! The arrests are based on the offense a person committed!

26. When being dispatched to calls and the "complainant" or "reporter" has requested police assistance do you question their immigrant status if they don't speak English? No. Unless something changed, immigrant status has NOTHING to do with the language one speaks.

27. Is it your common practice to question an individual's immigrant status if they are reporting a crime, asking for police assistance and only have a Mexican ID.?

No. See question #8.

28. Do you speak, write or read Spanish? If not do you request other officer's assistance with Spanish speaking individuals? Explain why or why not.

I know enough Spanish for traffic purposes. On calls, if the caller does not have someone (usually relative) who speaks English, if it is a minor/simple issue, I use my cell phone to call the desk officer to find out what is going on and ask the desk officer to give my "advice" to that person. If it's something more complicated like a family fight, I call for a Spanish-speaking unit to assist. I handle the call and make the report and note in the narrative that Officer ... assisted with Spanish/English translation.

29. While riding with Officer Escajeda did you make comments about not liking illegals?

No. Whenever we discussed illegal immigrants, Officer Escajeda voiced the same issues as I, agreeing that it is not right that illegal immigrants can obtain so many benefits and the citizens have to pay for it with their taxes.

30. What is your understanding of Racial Profiling in the Code of Criminal Procedures? One cannot discriminate based on race, gender, religion or sexual orientation.

31. Do you have any other information to add that may not have been covered by questions during the interview that is relevant or important to this investigation?

Since doing this job, I've been cussed out by citizens as to how dare I am a police officer and live here and not speak Spanish. Frequently on traffic stops, I am accused that "you only pulled me over because I'm Mexican/Hispanic". My tickets show the PC of the traffic stop and it has nothing to do with ethnicity or any other factor except that the person broke a traffic law. Because I am constantly aware of people throwing in race whenever things do not go their way, I go out of my way and CITE instead of issue a verbal warning to almost any Anglo/White traffic violator I pull over. That way no one can say that I "only give tickets to Hispanic drivers".

32. Please identify any other persons who might have information relative to this investigation?

You might want to talk to Officer LARA who was also my probationer earlier this year. Or any other Officers on my shift.

I HAVE READ THE ABOVE STATEMENT AND FIND IT TO BE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. DETECTIVE FALISHA MILNER #2643 GAVE ME THE OPPORTUNITY TO REVIEW THIS STATEMENT AND I DO NOT WISH TO ADD OR CHANGE ANYTHING.

[Signature] #1817

Subscribed and sworn to before me, the undersigned authority, on this 9th day of October 2014.

[Signature] 2643

NOTARY PUBLIC STATE OF TEXAS

Witnesses:



FALISHA MILNER
NOTARY PUBLIC
In and for the State of Texas
My commission expires
05-16-2015

IA14-335

SUPERVISOR'S DAILY LOG

FAM

EXHIBIT B
18-1026-9892

Internal Investigations IA No: IA14-335 Received: Apr 29, 2014

Case No: N/A

Involved citizen:

Hasabnna Leyva

Linked address(s):
Home Address: 2625 Portland Ave El Paso TX 79930

Linked phone(s):
Home Phone: (915) 599-7301

Officers involved:

OFFICER Martina Elizalde [1817]

Officer current info:

Executive: Uniform Police Serv. II
Bureau: Patrol Program II
Division: Mission Valley Command

Snapshot - officer information at time of incident:

Badge/ID no: 1817
Executive: Uniform Police Serv. II
Bureau: Patrol Program II
Division: Mission Valley Command
Unit: Dayshift
Rank/title: OFFICER
Age: 41 Years of employment: 17 Years with unit: 2
Off duty: Off duty employed:

Allegations:

Viol of Procedures/Policies -

Officer witnesses:

OFFICER Ruben Escajeda [2971]

Officer current info:

Executive: Uniform Police Serv. II
Bureau: Patrol Program II
Division: Mission Valley Command

*JUNE
2100-0700
OFF TWT
BRING IN ON
MONDAY*

Witnesses:

Alex Rivera

Linked address(s):
Home Address: 1811 Piedras Ave E El Paso TX 79930 -

Linked phone(s):
Home Phone: (915) 493-3219

Elizabeth Holguin

Linked address(s):
Home Address: 2625 Portland Ave El Paso TX 79930 -

Linked phone(s):
Home Phone: (915) 599-7301

Summary:

The Complaint came into the station requesting to file a Complaint on Officer Elizalde. The Complainant stated that she was at 501 Hawkins with her common law husband and mother. The Complainant noted some issues with the CPS facility, such as dirty toys, malfunctioning lights and inadequate facilities. The Complainant advised she called the police to make a report on the conditions so she could file a complaint against CPS. The Complainant advised Officer Elizalde arrived and was confrontational with her and had requested her identification without asking about why she called. The Complainant alleged that she gave the Officer her Consular Identification Card. The Complainant advised the Officer accused her of being in the country illegally. The Complainant advised that the Officer was more focused on her immigration status, than her concerns. The Complainant alleged the Officer discriminated and was racially biased against her because she was hispanic, was more focused on her immigration status than why she had called, and threatened to call Border patrol to arrest her for being in the country illegally. The Complainant also alleged that the Officer did not want to do a report for her and failed to give the Complainant the Officers name and badge number. The Complainants family members were present when the confrontation between her and the Officer and also alleged that the Officer was acting like an immigration official.

There was no complaint against Officer Escajeda. The Complainant and Witnesses advised he was very calm and professionally with them.

I took statements from the Complainant and family members and scanned them into this Blue Team.

On 04/30/2014 @ 0800 hours, I met with Officer Elizalde at my desk. I advised the Officer of the allegations brought upon by the involved parties on the call the day before. I advised her not to focus on the immigration status of the any parties since we have no jurisdiction in any immigrations issues. The Officer advised me that she could check for immigration status and could call Border Patrol if she thinks the subject is illegal. I reminded the Officer to stop checking for immigration status and to stop doing any immigration inquiries. The Offier advised that she would cease inquiring on immigration status.

When/where:

Date/time occurred: Apr 29 2014 10:25

Incident location: 501 Hawkins Blvd El Paso TX 79915
Home Address: 2625 Portland Ave El Paso TX 79930
Home Address: 1811 Piedras Ave E El Paso TX 79930
Home Address: 2625 Portland Ave El Paso TX 79930
County: El Paso

Linked files:

Scanned Documents:

CAD Printout for call (pdf)
Statement Holguin (pdf)
Statment Leyva (pdf)
Statement Rivera (pdf)

Status/assignment information:

Status: Initial

Opened: Assigned: 06/02/2014 Due: 09/10/2014 Completed:

Disposition: Under Investigation

Unit assigned: Mission Valley Command
Handled at field/unit level: No
Investigator assign: DETECTIVE Falisha Milner
Supervisor assign: SERGEANT Rosalynn Carrasco
Source of information:

Organizational component(s):

Executive: Uniform Police Serv. II
Bureau: Patrol Program II
Division: Mission Valley Command
Unit: Dayshift

BlueTeam chain routings

Apr 30, 2014 12:33: Sent from SERGEANT Arturo Ramirez [1961] to LIEUTENANT Gabriel Lucero [1822]

Instructions:

Blue Team on citizens complaint.

Reviewed by LIEUTENANT Gabriel Lucero [1822] on May 01, 2014 at 08:55

Decision: Not approved
Further Information Needed

Reviewer comment:

Sgt. Ramirez, please include that you met with Ofc. Elizalde and asked her about these allegations and advise on her explanation to these allegations.

CC(s) of this routing were sent to the following:

May 01, 2014 08:55: Sent from LIEUTENANT Gabriel Lucero [1822] to SERGEANT Arturo Ramirez [1961]

Instructions:

Sgt. Ramirez, please include information listed on my comments.

Reviewed by SERGEANT Arturo Ramirez [1961] on May 08, 2014 at 06:59

Decision: Approved

Reviewer comment:

I completed the task as required.

CC(s) of this routing were sent to the following:

May 08, 2014 06:59: Sent from SERGEANT Arturo Ramirez [1961] to LIEUTENANT Gabriel Lucero [1822]

Instructions:

I completed the task as required.

Reviewed by LIEUTENANT Gabriel Lucero [1822] on May 09, 2014 at 12:31

Decision: Approved

Reviewer comment:

This BT Log is being generated to document a citizen's complaint against Ofc. Elizalde for the below listed allegations. Ofc. Elizalde was not very receptive to Sgt. Ramirez's direction not to be focusing in on individual's immigration status. In addition, the complainants are alleging that Ofc. Elizalde was:

1. Unprofessional; 2. Claimed that Ofc. Elizalde Threatened to Arrested Them; 3. Ofc. Elizalde failed to give her name and I.D. in a manner that they could understand; 4. Failed to do a Report; 4. Failed to Request a Supervisor to the scene as the complainants requested.

Requesting this BT Log to be forwarded to IAD for further investigation.

CC(s) of this routing were sent to the following:

May 09, 2014 12:31: Sent from LIEUTENANT Gabriel Lucero [1822] to COMMANDER Victor Zarur [1515]

Instructions:

Ready for your approval. Requesting to be forwarded to IAD for further investigation. See Comments.

Reviewed by COMMANDER Victor Zarur [1515] on May 09, 2014 at 15:31

Decision: Approved

Reviewer comment:

Based on accusations I recommend this BT log be reviewed by IAD.

May 09, 2014 15:31: Sent from COMMANDER Victor Zarur [1515] to ASST CHIEF Peter F Pacillas [962]

Instructions:

Please see comments

Reviewed by ASST CHIEF Peter F Pacillas [962] on May 12, 2014 at 14:13

Decision: Approved

Reviewer comment:

To IAD for further investigation.

CC(s) of this routing were sent to the following:

Entered via BlueTeam by: SERGEANT Arturo Ramirez [1961] on Apr 30, 2014 at 10:16

IA14-335

LOG SHEETS AND WORK SCHEDULES

FAM



EL PASO POLICE DEPARTMENT DAILY ACTIVITY REPORT



Traffic Adm. 221 (

4/15/14

NO. 1 OFFICER <i>M. Elizalde</i>	UNIT DESIGNATION <i>1F181 MVR</i>	DIVISION <i>MVR</i>	SHIFT <i>1/P</i>
VEHICLE NO. <i>7180</i>	RADIO NO. <i>1812 PD</i>	NO. 2 OFFICER <i>W. Escobedo</i>	I.D. NO. <i>2971</i>
TIME ON DUTY <i>600</i>	MILEAGE <i>517</i>	SHOTGUN NO. <i>-</i>	DAY <i>Tue</i>
TIME OUT: TIME IN:	ENDING: STARTING: TOTAL:	ASSIGNED SUPERVISOR <i>C. Caceres</i>	TASER NO. <i>55315</i>
			SUPERVISOR SIGNATURE <i>[Signature]</i>

SECTION 1.01 VEHICLE AND EQUIPMENT CHECK

INTERIOR <i>(D)</i>	EXTERIOR <i>(D)</i>	TIRES <i>(D)</i>	REDLIGHTS <i>(D)</i>	SIREN <i>(W)</i>	SPOTLIGHT <i>(W)</i>	SPARE <i>(W)</i>	FLARES <i>(W)</i>
JACK/LUG WRENCH <i>(W)</i>	BLANKET <i>(W)</i>	FINGERPRINT KIT <i>(W)</i>	FIRST AID KIT <i>(W)</i>	DEFIBRILLATOR <i>(W)</i>	CAMERAS <i>(W)</i>	REFLECTIVE VEST <i>(W)</i>	IN CAR VIDEO MIC <i>(W)</i>
OTHER (LIST)				FLUID CHECK <i>(W)</i>	AIR CARD <i>(W)</i>		

REMARKS *S-13*

LEGEND: C-clean; D-dirty; W-working; DEF-defective; In V-in vehicle; M-missing; N/A-not applicable

SECTION 1.02 TASK LEGEND & RECAP

CP	CALL FOR SERVICE		CITATIONS				ARRESTS	
	Dispatch	Observed	Hazard H	1	2	Radar Cit.	RC	Felony
Persons Checked (adults) <i>8 P</i>	<i>3</i>		Non-Haz NH	<i>2</i>	<i>2</i>	Red Light		Class "A"
Juveniles Checked <i>4 J</i>	<i>2</i>	<i>2</i>	Class C C	<i>1</i>	<i>2</i>	School Zone	<i>SZ</i>	Class "B"
Vehicle Checked <i>4 V</i>			Parking PK	<i>1</i>	<i>2</i>	Un-restrained Child		Class "C"
R Vehicle checks		<i>1</i>	Curfew	Juv	Parent	Traffic Focus		TOTAL
R Hits			Muni. Code Viol			Stop Sign		DWI
Ident Inv. <i>AI</i>	Inc Rpt	<i>1</i>	Speed			Seatbelt		Felony
Ident Adv. <i>AV</i>	Traffic Rpt	<i>1</i>	Cell Phone Adv			Cell Phone Cit		Misd
								Traffic Stop Arrests
								Minor Detectable

I (we) attest that the information contained on this log sheet is a true and accurate reflection of the activity that I (we) took the time and date indicated. The information is based on personal knowledge and is true and correct to the best of my knowledge. No. 1 Officer *[Signature]* No. 2 Officer *[Signature]*

TIME IN	TOTAL MIN	LOCATION OF ACTIVITY	DIST NO.	ACTIVITY AND DISPOSITION-INCLUDE TICKET & DOCKET NOS. OR NAME WHEN NECESSARY	RECAP
0602	70/30	<i>MVR</i>	87	<i>Sheld Burch/Trip. adv/10-8</i>	
0655	55/85	<i>MVR - NOS</i>	87	<i>E-mail/Completed TB ref. Seawee Animals/10-8</i>	<i>A</i>
		<i>Loc Treno/Burnham</i>	85	<i>81 2x adv. 1</i>	
		<i>* 14-105033 *</i>		<i>1 - DL Plts Reg or Ttl / Oscar Reyes, 12-5-81, 15057</i>	
				<i>Las Flores, 1 - DL Plts Reg or Ttl / Pass: Aidan Hernandez</i>	<i>53</i>
				<i>9-22-07, S.A. / Pass: Desiree Hernandez, 1-3-03, S.A.</i>	<i>52</i>
				<i>21x Del Sol by R24/</i>	<i>12</i>
				<i>1 - DL Plts Reg or Ttl / Brittany Lopez, 1-9-97, 138</i>	
				<i>Pandale, NO. CT (STIRN-Loft, NO) #18-69117/</i>	
				<i>Victor Lopez, 4-26-60, 138 Pandale, 1 - DL Plts Reg or Ttl</i>	<i>TB</i>
0848	70/155			<i>CT (Allowing) #18-69118/R/108</i>	

Daily Work Schedule: Monday, April 07, 2014 * Days Shift

Supervisors / Desk Personnel

Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Off Diaz, Sergio 2187	05:00-15:00	1S800		2187PD					
Sgt Ramirez, Arturo 1961	05:00-15:00	1L81		1961PD					

Field Personnel

Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Elizalde, Martina 1817	05:30-15:30	1F181	V10080	1817PD	T60			DC-75	Court<MC 04/08 12:15,>
Escajeda, Ruben 2971	05:30-15:30			2971PD					Court<MC 04/07 11:30,>
Hernandez, Cruz 1998	05:30-15:30	1S182	V07185	1998PD	T43			FV05	Court<MC 04/08 12:15,>
Madrid, Benito 2010	05:30-15:30	1F185	V05058	2010PD	T54			DC-74	Court<MC 04/07 12:00,>
Marquez, Shaulin 2977	05:30-15:30			2977PD					
Minjares, Jorge 1505	05:30-15:30	1S185	V11101	1505PD	T58			FV07	Court<MC 04/07 08:00,>
Almaraz, Isidro 2965	05:30-15:30	1F186		2965PD					Court<MC 04/07 13:00,MC 04/07 13:00,>
Elomari, Nazik 2306	05:30-15:30	1S186	V07016	2306PD				DC-66	
Gonzalez, Tony 1845	05:30-15:30	1F186	V07180	1845PD	T44			DC-76	Court<MC 04/08 11:30,>
Gutierrez, Antonio 1247	05:30-15:30	1S282	V11096	1247PD	T55			FV20	Court<MC 04/07 13:00,>
Hernandez, Lorenzo 744	05:30-15:30	1S287	V11102	744PD	T56			FV09	Court<MC 04/08 12:15,>
Ojeda, Arnulfo 1508	05:30-15:30	5T787	V08055	1508PD					

ShiftNotes:

2317 04/07/2014 called in 4/07/2014 at 415 hrs.

VR

Days Off		VAC/SLP/Other Leaves	Training/Rescheduled Day Off
Chavira 2969	De Avila 1986	Sanchez 1769-Slp	
Lucero 1822	Lujan 1390		
Monge 2978	Perez 1762		
Portillo 1332	Reta 590		
Robles 1646	Romero 1408		

I/NetViewer

Search:

pa2643fm (Logout) | | Help

[Main](#) [Events](#) [Units](#) [Messages](#) [Lineups](#) [Inquiry](#) [Configure](#)**P2014270621 - DISTURB - SUBJECT - DISTURBANCE CALLS - SUBJECT DISTURBING
447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX**

Overview	Chronology	Event Unit	View Map	Event Details
----------	------------	------------	----------	---------------

[Print Page](#)**EVENT INFORMATION - P2014270621****05/29/14**

Event Type	Event ID	Priority	Status	Source	DGroup	Case Numbers	Disposition Code	Terminal	Dup No.	Calltaker ID
DISTURB	P2014270621	5	A	ANI/ALI	8		ADV	c18		1021953

AGENCY INFORMATION

Agency	Priority	DGroup	ESZ	Area	Added	Dispatched	Arrived	Closed	Close ID	Close Terminal	Event ID	Primary Unit	Situation	Comments
EPPD	5	8	860811	86	05/29/14 09:40:22	05/29/14 09:41:48	05/29/14 10:01:29	05/29/14 10:29:05	1019542	pd5	P2014270621	1F181		

REMARKS[Common](#) [Agency Specific](#)[Add remarks](#)

** LOI search completed at 05/29/14 09:40:22
=31.6888296 =-106.33235
RP HAVING ISSUES W/ MNG OF COMPLEX
** SOP information for Event # EPPD was viewed at: 05/29/14 09:40:37
** >>> by: CLAUDIA HERNANDEZ on terminal: c18
SUBJ:ASHLEY PORTILLO H/F 38YOA SHORT HVY BLT
LSW:PNK SHIRT BLK PANTS
NO WEAPNS
NO SIG90
SUBJ NOW IN OFFICE OF LISTED
RP WAITING OUTSIDE LISTED
RP WRNG: ALL BLK
RP:GERARDO RODRIGUEZ HOLGUIN
NOD/I
RP REQ SPANISH SPEAKING PD

[See less remarks](#)[Hide system remarks](#)**LOCATION INFORMATION**

447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX

X-STREET 1: KENNEDY LN
X-STREET 2: S ZARAGOZA RD

Location Choices**CALLER INFORMATION**

Name: T-MOBILE USA
Phone: (915) 256-5038
Address: 8732 ALAMEDA AV EL PASO

SUPPLEMENTAL INFORMATION

Person 0

Vehicle 0

Property 0

Contact Name 0

Incident Times 0

I/NetViewer

Search: GO

po2643fm [Logout] | | [Help]

Main

Events

Units

Messages

Lineups

Inquiry

Configure

Event Chronology -- P2014270621

Overview	Chronology	Event Unit	View Map	Event Details	Print Page
<input checked="" type="checkbox"/> System Comments					
05/29/14 09:40:22 Terminal: c18 Operator: 1021953	EVENT CREATED Type: DISTURB - SUBJECT - DISTURBANCE CALLS - SUBJECT DISTURBING LOCATION: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Agency: EPPD Group: 8 Beat: 86 Status: A Priortiy: 5				
05/29/14 09:40:22 Terminal: c18 Operator: 1021953	EVENT REMARK =31.6888296 =-106.33235				
05/29/14 09:40:22 Terminal: icad-ci-s1 Operator: 1021953	EVENT REMARK ** LOI search completed at 05/29/14 09:40:22				
05/29/14 09:40:34 Terminal: c18 Operator: 1021953	EVENT REMARK RP HAVING ISSUES W/ MNG OF COMPLEX				
05/29/14 09:40:37 Terminal: c18 Operator: 1021953	EVENT REMARK ** SOP information for Event # EPPD was viewed at: 05/29/14 09:40:37 ** >>> by: CLAUDIA HERNANDEZ on terminal: c18				
05/29/14 09:41:10 Terminal: c18 Operator: 1021953	EVENT REMARK SUBJ:ASHLEY PORTILLO H/F 38YOA SHORT HVY BLT				
05/29/14 09:41:19 Terminal: c18 Operator: 1021953	EVENT REMARK LSW:PNK SHIRT BLK PANTS				
05/29/14 09:41:21 Terminal: c18 Operator: 1021953	EVENT REMARK NO WEAPNS				
05/29/14 09:41:30 Terminal: c18 Operator: 1021953	EVENT REMARK NO SIG90				

05/29/14 09:41:45 Terminal: c18 Operator: 1021953	EVENT REMARK SUBJ NOW IN OFFICE OF LISTED
05/29/14 09:41:48 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 1F181 Status: DP Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 101817, 102971
05/29/14 09:41:49 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 1F181 Status: E Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 101817, 102971
05/29/14 09:42:13 Terminal: c18 Operator: 1021953	EVENT REMARK RP WAITING OUTSIDE LISTED
05/29/14 09:42:19 Terminal: c18 Operator: 1021953	EVENT REMARK RP WRNG: ALL BLK
05/29/14 09:42:32 Terminal: c18 Operator: 1021953	EVENT REMARK RP:GERARDO RODRIGUEZ HOLGUIN
05/29/14 09:42:34 Terminal: c18 Operator: 1021953	EVENT REMARK NOD/I
05/29/14 09:42:53 Terminal: c18 Operator: 1021953	EVENT REMARK RP REQ SPANISH SPEAKING PD
05/29/14 09:53:19 Terminal: \$1F181 Operator: 102971	UNIT UPDATED Unit: 1F181 Status: E Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 101817, 102971
05/29/14 10:00:33 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: DP Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 102243
05/29/14 10:00:34 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: E Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 102243

05/29/14 10:01:29 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 1F181 Status: S Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 101817, 102971
05/29/14 10:01:40 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: AM Location: Employees: 102243
05/29/14 10:16:27 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: DP Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 102243
05/29/14 10:16:28 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: S Location: 447 S SCHUTZ DR EP,71: @KENNEDY COMPLEX Employees: 102243
05/29/14 10:22:23 Terminal: pd5 Operator: 1019542	EVENT REMARK 1F181 -- ADV
05/29/14 10:22:25 Terminal: pd5 Operator: 1019542	EVENT UPDATED Primary Employee Id: 102971 Primary Unit Id: 1F181 Revision Number: 2 Rms Transfer Time: 05/29/14 10:22:25 Total Assigned Units: 0
05/29/14 10:22:25 Terminal: pd5 Operator: 1019542	DISPOSITION ASSIGNED ADV
05/29/14 10:22:25 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 1F181 Status: AM Location: Employees: 101817, 102971
05/29/14 10:29:05 Terminal: pd5 Operator: 1019542	EVENT CLOSED :

05/29/14 10:29:05 Terminal: pd5 Operator: 1019542	EVENT UPDATED Closing Employee Id: 1019542 Closing Terminal: pd5 Closing Time: 05/29/14 10:29:05 Is Open: False Revision Number: 3 Rms Transfer Time: 05/29/14 10:29:05
05/29/14 10:29:05 Terminal: pd5 Operator: 1019542	UNIT UPDATED Unit: 5E783 Status: AM Location: Employees: 102243

Incident / Investigation Report

El Paso Police Department

OCA: 14-113148

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown																
D R U G S	Status	Quantity	Type Measure			Suspected Drug Type										
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Offender 1 Age: Race: Sex:			Offender 2 Age: Race: Sex:			Offender 3 Age: Race: Sex:			Primary Offender Resident Status Resident Non-Resident Unknown				
			Ssn:			Ssn:			Ssn:							
			Offender 4 Age: Race: Sex:			Offender 5 Age: Race: Sex:			Offender 6 Age: Race: Sex:							
	Ssn:			Ssn:			Ssn:									
	Name (L, F M) AKA											Home Address			Home Phone	
	SSN:		Occupation			Business Address						Business Phone				
DOB. / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color						
						Hair Style		Hair Length		Glasses						
Scars, Marks, Tatoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)																
S U S P E C T	Hat		Shirt/Blouse			Coat/Suit				Socks						
	Jacket		Tie/Scarf			Pants/Dress/Skirt				Shoes						
	Was Suspect Armed?		Type of Weapon				Direction of Travel			Mode of Travel						
	VYR	Make	Model	Style/Doors	Color	Lic/Lis		Vin								
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:										
W I T N E S S	Name (Last, First, Middle)					SSN:		D.O.B.	Age	Race	Sex					
	Home Address					Home Phone		Employer		Phone						
N A R R T I V E	TYPE OF WARRANT ISSUED: TRAFFIC WARRANT															
	OFFICER(S) NAME AND ID#(S): R. Escajeda 2971															
	ASSIGNED UNIT #: 1F181															
	PROBABLE CAUSE FOR DETAINMENT OR ARREST: TRAFFIC STOP															
	ARRESTEE(S) TAKEN FOR PAPERWORK TO: MVRC															
	VEHICLE IMPOUNDED: (NO)															
	VEHICLE RELEASED: (NO) - FOLLOWED OFFENDER TO MVRC WHERE HE PARKED HIS TRUCK IN THE PARKING LOT.															
	BOOKED INTO EL PASO COUNTY DETENTION FACILITY: (NO)															

Incident / Investigation Report

El Paso Police Department

OCA: 14-113148

Officer's Narrative (continued)

POSTED BOND AND RELEASED: (YES)

BOND OFFICE CLERK NOTIFIED: (YES) NAME:MARIA

TAKEN BEFORE A MAGISTRATE: (NO)

ADDITIONAL INFORMATION:

Officer Escajeda 2971, along with Officer Elizalde 1817, working as 1F181, were working a check point at the 9200 block of Escobar. OF-1 was issued a citation for no Driver License (18-691120). A warrant check through channel 1 revealed OF-1 to have 11 outstanding traffic warrants in the amount of: \$2834.13. Officer Escajeda followed OF-1 to MVRCC for processing. OF-01 was able to post a partial bond of \$2,000.00 and was released.

***** WARRANT INFORMATION *****

RE-FILED:

WARRANT#:	BOND AMOUNT:	OFFENSE:
18552244.2	357.50	FTMFR
33402993.2	416.00	ZONING NOT PERMITTED

EL PASO COUNTY DETENTION FACILITY ARREST SUPPLEMENT

SEARCHED BY / TIME (02971) ESCAJEDA, RUBEN JR / 13:00		ARREST NUMBER (ARREST ID) 26063121 (14-009758)		APPROVING SUPERVISOR Reta	
SUSPECT'S NAME LAST FIRST MIDDLE Maese, Ricardo			ARREST DATE 04/23/2014	ARREST TIME 11:15	
ALIAS / NICKNAME		DATE OF BIRTH 2 - Date of Birth	PLACE OF BIRTH	CITIZENSHIP -	
ADDRESS 1609 Globe, El Paso TX 79915		CITY STATE ZIP	SOCIAL SECURITY NUMBER 2 - Date of Birth	MARITAL STATUS	
EMERGENCY NAME			PHONE	RELATIONSHIP	
EMERGENCY CONTACT ADDRESS			WARRANT CHECK <input checked="" type="checkbox"/> NCIC <input checked="" type="checkbox"/> TCIC <input checked="" type="checkbox"/> LOCAL		
EMPLOYER (NAME OF COMPANY/SCHOOL)		BUSINESS ADDRESS (STREET, CITY, STATE, ZIP)		BUSINESS PHONE	
SUSPECT'S PHYSICAL CONDITION (INCLUDE INJURY OR ILLNESS) NOT SICK OR INJURED			NEED FOR CAUTION? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
<input type="checkbox"/> SCARS <input type="checkbox"/> MARKS <input type="checkbox"/> TATTOOS <input type="checkbox"/> AMPUTATIONS					
OFFICER'S REMARKS					
SEX M	RACE W	ETHNIC ORIGIN	HEIGHT 5'7	WEIGHT 0	EYES
ID CARD NUMBER		STATE	TRANS. HAZ. MATERIAL	OPER. COM. VEHICLE	DRIVERS LICENSE NUMBER# 4 - SSN of Live Person
COMPLAINANT 1		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE ZONING-CODE VIOLATION MISC			STATUTE CITATION 00975 MC	OFFENSE CODE 00975
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE FELONY () MISDEMEANOR (X)	CAPITAL, 1, 2, OR 3 A, B, OR C		
WARRANT # 33402993.1	AUTHORITY MUNICIPAL COURT #1,			BOND \$416.00	
COMPLAINANT 2		ADDRESS			CASE NO. 14-113148
ORIGINAL AGENCY	OFFENSE Fail to maintain financial responsibility - 2nd offense			STATUTE CITATION 601.191	OFFENSE CODE 4010038
DATE OF OFFENSE 04/23/2014	FIREARM CODE	LEVEL & DEGREE FELONY () MISDEMEANOR (X)	CAPITAL, 1, 2, OR 3 A, B, OR C		
WARRANT # 18438200.5	AUTHORITY MUNICIPAL COURT #1,			BOND \$357.50	
LOCATION OF ARREST 9100 Escobar Dr El Paso, Tx 79907				ARRESTING AGENCY El Paso Police Department	
ARRESTING OFFICER(S) LAST NAME 1. Escajeda, Ruben		ID#S 1. 02971	DEPARTMENT USB2		DIVISION MVRC
ARREST # - EPSO		ARREST # - EPPD	BOOKING #	DPS #	FBI #
PROCESSING <input type="checkbox"/> CITY <input type="checkbox"/> FULL <input type="checkbox"/> UPDATE <input type="checkbox"/> PLAIN-FBI <input type="checkbox"/> PLAIN-DPS <input type="checkbox"/> NP/CLEAR <input type="checkbox"/> PHOTO <input type="checkbox"/> PALMS <input type="checkbox"/> FBI-FULL <input type="checkbox"/> DPS-FULL					
LEFT HAND SIMULTANEOUS IMPRESSIONS		LEFT THUMB	RIGHT THUMB	RIGHT HAND SIMULTANEOUS IMPRESSIONS	

EXHIBIT B
18-1026-9892

ADDITIONAL ARREST NARRATIVE CONTINUED	117 DATE AND TIME OF ARREST 04/23/2014 11:15		<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM <input checked="" type="checkbox"/> MIL	118a. CASE # 14-113148	119 SFX
				118b. ARREST # 14009758	
120 ADDITIONAL ARREST INFORMATION OTHER CHARGES 548.051 TRC - Mvi Violation - WARR# 18552244.1 00169 MT - Regis/no Or Exp M/c Plate - WARR# 18438200.4 521.021 - No Driver's License (when Unlicensed) - WARR# 18438200.2 544.007 TRC - Ran Red Light - WARR# 18438200.1					

IND DIAGRAM

IND DIAGRAM

IND DIAGRAM

El Paso Police Department * Mission Valley Regional Command * 9011 Escobar Dr. * (915) 872-3600

Daily Work Schedule: Thursday, May 29, 2014 * Days Shift

Supervisors / Desk Personnel

Personnel:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Lt Lucero, Gabriel 1822	05:00-15:00	1L8		1822PD					
Off Reta, Manuel 590	05:00-15:00	1S800		590PD					
Off Romero, Louie 1408	05:00-15:00	1S801		1408PD					
Sgt Ramirez, Arturo 1961	05:00-15:00	1L81		1961PD					

Field Personnel

Officers:	WkHrs:	Unit:	Veh:	Rad:	Trns:	S-gun:	B-bag:	Cmra:	note:
Elizalde, Martina 1817	05:30-15:30	1F181	V11097	1817PD	T33			DC-55	
Escajeda, Ruben 2971	05:30-15:30			2971PD					
Hernandez, Cruz 1998	05:30-15:30	1S182	V10080	1998PD	T57			DC-66	
Perez, Victor 1762	05:30-15:30	1S184	V11102	1762PD	T47			DC-58	
Almaraz, Isidro 2965	05:30-15:30	1F186		2965PD					
Gonzalez, Tony 1845	05:30-15:30		V11095	1845PD	T54			DC-68	
Sanchez, Salvador 1769	05:30-15:30	1S283	V11101	1769PD	T44			DC-70	

ShiftNotes:

Days Off		VAC/SLP/Other Leaves	Training/Rescheduled Day Off
Bentley 2118	Chavira 2969	Ojeda 1508-Vac ✓	
De Avila 1986	Diaz 2187	Hernandez 744-Acp ✓	
Elomari 2306	Gutierrez 1247		
Lujan 1390	Madrid 2010		
Marquez 2977	Minjares 1505		
Monge 2978	Portillo 1332		
Robles 1646			

EXHIBIT B
18-1026-9892

I N C I D E N T D A T A	Agency Name <i>El Paso Police Department</i>		INCIDENT / INVESTIGATION REPORT				OCA <i>14-147093</i>			
	ORI <i>TX0710200</i>						Date / Time Reported <i>TU May 27, 2014 10:00</i>			
	#1	Crime Incident <i>INFO RECEIVED</i>	Equiv Code: 4010637	UCR: 999	Local Statute: 85 SG	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Last Known Secure <i>TU May 27, 2014 10:00</i>			
#2	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	At Found <i>TU May 27, 2014 10:00</i>				
#3	Crime Incident	Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com					
Location of Incident <i>501 Hawkins Blvd Sb, El Paso, TX 79915</i>			Premise Type <i>Other/Unknown</i>			Offense Tract <i>MVR</i>				
M O	How Attacked or Committed									
	Weapon / Tools									
								Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A		
V I C T I M	# Victims	<i>0</i>		Type			Injury	Residency Status		
	V1	Victim/Business Name (Last, First, Middle)				Victim of Crime #		Age / DOB	Race	Sex
						Relationship to Offenders				
	Home Address							Home Phone		
	Employer Name/Address							Business Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN			
	CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved									
	O T H E R S	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race	Sex
RP1		<i>Rodriguez, Beatrice</i>					<i>34</i>	<i>W</i>	<i>F</i>	
Home Address <i>501 Hawkins Blvd Sb, El Paso, TX 79915</i>						Home Phone <i>(915) 996-4857</i>				
Employer Name/Address <i>C.p.s. Services / 501 HAWKINS BLVD.</i>						Business Phone <i>(915) 996-4857</i>				
I N V O L V E D	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race	Sex	
	IO2	<i>Leyva-ramirez, Hasabnna Elizabeth</i>					<i>21</i>	<i>W</i>	<i>F</i>	
	Home Address <i>2625 Portland Ave, El Paso, TX 79930</i>						Home Phone <i>(915) 599-7301</i>			
	Employer Name/Address <i>Unemployed</i>						Business Phone			
P R O P E R T Y	Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown (Check "OJ" column if recovered for other jurisdiction)									
	Victim #	UCR	Status - Date	Value	OJ	QTY	Property Description	Make/Model	Serial Number	
Number of Vehicles Stolen		<i>0</i>							Number Vehicles Recovered <i>0</i>	
ID	Officer <i>(02253) GOMEZ, MICHELLE M</i>				Officer Signature			Supervisor Signature <i>(C1313) PEREZ, XAVIER</i>		
Complainant Signature				Case Status: <i>Further Investigation May 27, 2014</i>			Case Disposition:			

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown															
D R U G S	Status		Quantity		Type Measure			Suspected Drug Type							
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer				Offender 1 Age: Race: Sex:			Offender 2 Age: Race: Sex:			Offender 3 Age: Race: Sex:			Primary Offender Resident Status Resident Non-Resident Unknown	
					Ssn:			Ssn:			Ssn:				
					Offender 4 Age: Race: Sex:			Offender 5 Age: Race: Sex:			Offender 6 Age: Race: Sex:				
					Ssn:			Ssn:			Ssn:				
S U S P E C T	Name (L, F M) AKA						Home Address						Home Phone		
	SSN:			Occupation			Business Address						Business Phone		
	DOB. / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color				
							Hair Style		Hair Length		Glasses				
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)														
	Hat			Shirt/Blouse			Coat/Suit			Socks					
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes					
	Was Suspect Armed?		Type of Weapon				Direction of Travel				Mode of Travel				
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin								
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:									
	W I T N E S S	Name (Last, First, Middle)						SSN:		D.O.B.		Age	Race	Sex	
		Home Address						Home Phone		Employer			Phone		
N A R R T I V E	Rp-01 called the Telephone Report Unit and stated that she needed to file an information report. Rp-01 advised she is a Child Protective Service employee and has recently taken on a new case involving IO-02 (client). Rp-01 stated that IO-02's child is currently in CPS custody due to IO-02's erratic behavior, who may be suffering from a mental illness. Rp-01 advised since approximately May 5th she has been receiving threatening phone calls and text messages from IO-02 and desired to have the incident documented for future use if need be. Rp-01 advised IO-02 has displayed aggressive behavior towards her and made several threatening comments: - IO-02 has stated that she has been sent by god to "distruct" Rp-01. - IO-02 has stated that she will do what she needs to do, to teach Rp-01 a lesson. - IO-02 has contacted the El Paso Police Department on two (2) occasions to report Rp-01 and CPS. Rp-01 further advised that IO-02 had an officer appointment to visit with her child and was half an hour late during which time the appointment had been canceled. Rp-01 stated IO-02 showed up late and had to be physically removed by the security staff due to IO-02's aggressive behavior. Rp-01 stated														

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Narrative (continued)

she desired to have the incident documents for information purposes.

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Supplement

Officer 1247

Date / Time Reported TU May 27, 2014 10:00

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

IA14-335

**FIRST NOTICE FORMS
CONFIDENTIALITY ORDERS
HISTORIES**

FAM

**EXHIBIT B
18-1026-9892**



**EL PASO POLICE DEPARTMENT
NOTIFICATION OF ALLEGATIONS
RIGHTS AND RESPONSIBILITIES FORM**

Name ID: Martina Elizalde #1817

Rank: Officer

Assignment: MVRC

This will serve as notification to you that a complaint has been forwarded to: **Internal Affairs Division**

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

Department policy provides that you have a right to be advised in writing of the allegation even if the allegation is such that it will not result in the filing of criminal charges or the filing of charges seeking your separation from the Department. Accordingly, you are hereby advised that the following allegation(s) have been attributed to you:

- El Paso Police Department Procedures Manual- Racial and Biased Profiling
- El Paso Police Department Procedures Manual/ Rules and Regulations #18 Request for Identification.
- City of El Paso Civil Service Rule 8 *et seq.*
- Any other relevant El Paso Police Department policy, procedure, rule and/or regulation.
- Any other relevant City of El Paso, including Civil Service Rules and Regulations, policy, procedure, rule and/or regulation

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials

ME

Confidentiality Order

You are being given a Direct Order of **Jennifer Callan** of the IAD not to discuss or disclose, in any manner, the nature or details of this investigation with **Anyone** other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. IAD will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials

ME

The undersigned hereby acknowledges receipt in writing of notification of the allegation(s) made against him/her, and his/her rights and responsibilities.

Officer's Signature

F. Smith 2643

Date/Time

10/09/14 14:40
10/08/14 @ 1940

FAM

EXHIBIT B
18-1026-9892



**EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS
FIRST NOTICE FORM - SWORN**

AFFECTED EMPLOYEE(S): Officer Martina Elizalde #1817

FROM: INTERNAL AFFAIRS DIVISION: Detective Falisha Milner #2643

SUBJECT: First Notice to Employee Ref: IA14-335

DATE/TIME:

10/09/2014

This is to notify you that the Internal Affairs Division has initiated an investigation on allegations noted in the attached Preliminary Information Document. Employees involved in this case are instructed not to contact anyone associated with this case. The Internal Affairs Division will conduct the investigation.

A copy of this First Notice Form and the Preliminary Information Document has been issued to involved employee(s). ME

Commissioned employees are reminded they may **voluntarily** and at **anytime** during the course of their employment with the El Paso Police Department attend the stress management program as referred in the current Articles of Agreement between the City of El Paso, Texas, and the El Paso Municipal Police Officers Association. ME

Jennifer F. Callan
Director of Professional Accountability

Affected Employee: M. Elizalde #1817

Date/Time: 10/09/2014

Witness: F. Milner 2643

**El Paso Police Department
Internal Affairs Division
Contract Right Form**


Case Number: IA14-335
Officer: Martina Elizalde #1817

Date: 10/09/2014
Time: 14:39


Interviewer: Detective Falisha Milner #2643

As per the Contract, between the Association and the City of El Paso, you are being advised that all interviews conducted by Internal Affairs, will be recorded by Internal Affairs staff members.

I do ~~not~~ ☐ elect to have a copy of this interview; I am aware that I must provide the media (CD) necessary, if I do desire a copy of said interview.



Witness Signature



Officer Signature



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Arturo Ramirez #1961 **Rank:** Sergeant **Assignment:** MVRC

This will serve as notification to you that a complaint has been forwarded to:

The Internal Affairs Division, I.A.D. Case # IA14-335

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

You are hereby advised to fully and honestly assist in this investigation. Your oath of office and the provisions of our Department's Procedures Manual require this personal and professional response to this investigation. Your failure to do so may subject you to discipline for engaging in giving false and /or misleading statement(s) during an administrative investigation. If you do answer, neither your statement(s) nor any information or evidence, which is gained by reason of such statement(s), can be used against you in any subsequent criminal proceedings. However, these statement(s) may be used against you in relation to subsequent Departmental charges.

I have been advised of my rights and do fully understand them.

Officer's Initials

AR

Confidentiality Order

You are being given a Direct Order by **Jennifer F. Callan** of the Internal Affairs Division not to discuss or disclose, in any manner, the nature or details of this investigation with **ANYONE** other than the assigned investigator(s) or your attorney. This Order also means that you are not to contact potential witnesses or complainants. **Detective Falisha Milner #2643** will conduct the investigation. A violation of this Order will result in Disciplinary Action.

Officer's Initials

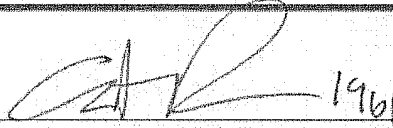
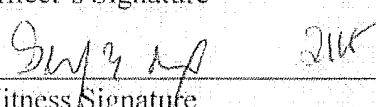
AR

Officer's Signature

Witness Signature

Date/Time

Date/Time

 1961
 2111

10-6-2014 / 1730
10-6-14 1742



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Jose Chavira #2969 **Rank:** Officer **Assignment:** MVRC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA14-335

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I have been advised of my rights and do fully understand them.

Officer's Initials

JC

Confidentiality Order

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Officer's Initials

JC

J Chavira
Officer's Signature

10-8-14

Date/Time

Falisha Milner 2643
Witness Signature

10-08-14

Date/Time

**EXHIBIT B
18-1026-9892**



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Ruben Escajeda #2971 Rank: Officer Assignment: MVRC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA14-335

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Officer's Initials

Confidentiality Order

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Officer's Initials

Officer's Signature

10-7-14 / 1506
Date/Time

Witness Signature

10-7-14 / 1507 HRS
Date/Time

**EXHIBIT B
18-1026-9892**



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: Arturo Ramirez #1961 **Rank:** Sergeant **Assignment:** MVRC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA14-335

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I have been advised of my rights and do fully understand them.

Officer's Initials

AR

Confidentiality Order

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Officer's Initials

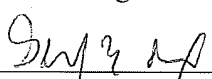
AR

 1961

Officer's Signature

10-6-2014 / 1730

Date/Time

 2116

Witness Signature

10-6-14 1742

Date/Time



**EL PASO POLICE DEPARTMENT
WITNESS RIGHTS AND RESPONSIBILITIES FORM**

Name & ID: John Lara # 2942 **Rank:** Officer **Assignment:** MVRC

This will serve as notification to you that a complaint has been forwarded to:
The Internal Affairs Division, I.A.D. Case # IA14-335

You are being questioned as part of an Official Administrative Investigation. You will be asked questions specifically directed and narrowly related to the performance of your official duties or fitness for office. You are entitled to all the rights and privileges guaranteed by the laws and the Constitution of this state and the Constitution of the United States, including the right not to be compelled to incriminate yourself, in criminal matters. You also have certain rights granted to you by the contract between the City of El Paso and the EPMPOA, and the Civil Service Rules and Regulations.

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I have been advised of my rights and do fully understand them.

Officer's Initials

 JC

Confidentiality Order

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Officer's Initials

 JC

Officer's Signature

Witness Signature

Date/Time

Date/Time

**EXHIBIT B
18-1026-9892**

IA14-335

I.A.D. HISTORY CARDS
CASE SYNOPSIS

FAM

EXHIBIT B
18-1026-9892



EL PASO POLICE DEPARTMENT
INTERNAL AFFAIRS DIVISION
Disciplinary History Card

Badge	Last Name	First Name	MI	Entered Service	ID #	
1817	Elizalde	Martina	U	October 10, 1996	1817	
#	Date	Case #	Complainant	Code	Allegation	Disposition
1	October 8, 2000	IA00-293	Baez, Norma & Teresa	1a4	Unprof Conduct - Disrespect to a Citizen	Written Reprimand
2	April 2, 2001	CP01-146	Sgt. Summers	1c1i	Negligence-FTA Muni Court	Written Reprimand
3	October 9, 2002	CP02-355	Sgt. Terrezas	1c1i	Negligence-FTA Muni Court	Written Reprimand
4	March 12, 2003	CP03-078	Cmdr. Cross	5a1i	Accident - Marked Vehicle	Written Reprimand
5	March 19, 2004	CP04-076	Sgt. Menchaca	1a1	Unprof Conduct - Verbal Abuse	16 Hours Suspension
6	September 10, 2004	IA04-176	Perla Peralta	1a: 1, 2	Unprof Conduct - Verbal & Discourtesy	12 Hours Suspension a/p Settlement
7	December 9, 2005	CP06-002	Lt. Serna	5a1i	Accident - Marked Vehicle	5 Hours Suspension a/p Settlement
8	February 18, 2006	CP06-068	Lt. Serna	11	Rules & Regs #5c & #5e	20 Hours Suspension a/p Settlement
9	February 28, 2008	IA08-045	Crystal Loera	1bd, 11	Off-duty Incident, Rules & Regs #4a	Written Reprimand
10						
#	Discipline Date	Case #	Complainant	Cat	Allegation	Disposition
1	May 12, 2011	IA10-488	Chief's Office	B	Viol R/R #14b and R/R #5i	Written Reprimand
2	March 22, 2012	IA12-100	Chief's Office	B	Viol Safety Practice - acc'd marked veh	Written Reprimand
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						

IA14-335

MISCELLANEOUS

FAM

EXHIBIT B
18-1026-9892

Normal View**Event Information -- P2014213707**

Location Information				Caller Information	
Number	501			Name	SPRINT NEXTEL - CDMA
Direction				Address	7806 GATEWAY EAST BLVD EL PASO
Street	HAWKINS			Phone	(915) 599-7301
Type	BLVD			Terminal	c17
Suffix	SB			Calltaker ID	1001667
Area				Source	ANI/ALI
Municipality	EP			Remarks	** LOI search completed at 04/29/14 10:23:03 :SW SECTOR Y=31.740875 X=-106.3930 Event stacked at: 04/29/14 10:21:29 RP ADV THAT SUBJS AT BUSN ARE DISRESPECTFUL ADV SHE HAS TO P/U CHILD FOR VISITATION WANTS TO FILE COMPLAINT AGAINST THEM RP UPSET BECAUSE THEY WOULD NOT PROVIDE SUPPLIES FOR HER CHILD RP: JOSAVNA LEYVA RP IS YELLING AND MAKING A SCENE RP IS OUTSIDE NOW ** Event Location changed from "501 HAWKINS BLVD SB EP: DEPT OF HUMAN SRVS" to "501 HAWKINS BLVD SB EP: CHILD PROTECTIVE SRVS" at: 04/29/14 10:24:30 ** >>>> by: MARY H. SINGLETON on terminal: c17
Apartment				Case Numbers	
X-Street 1	NORTH LOOP DR WB			Disp Codes	ADV
X-Street 2	OPORTUNIDAD DR				
Date	4/29/2014				
Event Type	DISTURB -- DISTURBANCE CALLS [SUBJECT]				
Building					
County					
State					
Location Comment	: CHILD PROTECTIVE SRVS				

Agency	P	Esz	Area	DGroup	Add	Dispatch	Arrive	Close	Cls ID	Cls Term	Event	Comments	Prim	Unit	Situation
EPPD	5	8131	81	8	10:23:03 AM	10:23:35 AM	10:31:53 AM	10:56:37 AM	1014124	pd5	P2014213707			1F181	

Details	Chronology	Unit	Supplemental	SOP

Event Chronology -- P2014213707

System Comments

Time	Date	Terminal	Operator	Action
10:23:03 AM	4/29/2014	c17	<u>1001667</u>	<p>EVENT CREATED: Location=501 HAWKINS BLVD SB EP : DEPT OF HUMAN SERVS , Cross Streets=NORTH LOOP DR WB /OPORTUNIDAD DR , Name=SPRINT NEXTEL - CDMA , Address=7806 GATEWAY EAST BLVD EL PASO , Call Source=ANI/ALI , Phone Number=(915) 599-7301</p> <p>Agency=EPPD, Group=8, Beat=81, Status=8, Priority=5, ETA=0, Hold Type=0, Current=F, Open =T, Type Code=DISTURB-DISTURBANCE CALLS, SubType Code=SUBJECT-SUBJECT DISTURBING</p> <p>EVENT COMMENT=:SW SECTOR Y=31.740875 X=-106.3930</p> <p>Event stacked at: 04/29/14 10:21:29</p>
10:23:20 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=RP ADV THAT SUBJS AT BUSN ARE DISRESPECTFUL
10:23:27 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=ADV SHE HAS TO P/U CHILD FOR VISITATION
10:23:32 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=WANTS TO FILE COMPLAINT AGAINST THEM
10:23:35 AM	4/29/2014	pd5	<u>1014124</u>	<p>Unit=1F181, Status=DP, Location=501 HAWKINS BLVD SB EP: DEPT OF HUMAN SERVS, Employee=101817</p> <p>Unit=1F181, Status=DP, Location=501 HAWKINS BLVD SB EP: DEPT OF HUMAN SERVS, Employee=102971</p>
10:23:36 AM	4/29/2014	pd5	<u>1014124</u>	<p>Unit=1F181, Status=E, Location=501 HAWKINS BLVD SB EP: DEPT OF HUMAN SERVS, Employee=101817</p> <p>Unit=1F181, Status=E, Location=501 HAWKINS BLVD SB EP: DEPT OF HUMAN SERVS, Employee=102971</p>
10:23:48 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=RP UPSET BECAUSE THEY WOULD NOT PROVIDE SUPPLIES FOR HER CHILD
10:23:54 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=RP: JOSAVNA LEYVA
10:24:06 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=RP IS YELLING AND MAKING A SCENE
10:24:10 AM	4/29/2014	c17	<u>1001667</u>	EVENT COMMENT=RP IS OUTSIDE NOW
10:24:30 AM	4/29/2014	c17	<u>1001667</u>	<p>EVENT UPDATED: Location=501 HAWKINS BLVD SB EP : CHILD PROTECTIVE SRVS , Cross Streets=NORTH LOOP DR WB /OPORTUNIDAD DR , Name=SPRINT NEXTEL - CDMA , Address=7806 GATEWAY EAST BLVD EL PASO , Call Source=ANI/ALI , Phone Number=(915) 599-7301</p> <p>Agency=EPPD, Group=8, Beat=81, Status=8, Priority=5, ETA=0, Hold Type=0, Current=F, Open =T, Type Code=DISTURB-DISTURBANCE CALLS, SubType Code=SUBJECT-SUBJECT DISTURBING</p>
10:24:31 AM	4/29/2014	c17	<u>1001667</u>	<p>Unit=1F181, Status=S, Location=501 HAWKINS BLVD SB EP: CHILD PROTECTIVE SRVS, Employee=101817</p> <p>Unit=1F181, Status=S, Location=501 HAWKINS BLVD SB EP: CHILD PROTECTIVE SRVS, Employee=102971</p>
10:31:53 AM	4/29/2014	pd5	<u>1014124</u>	<p>Agency=EPPD, Group=8, Beat=81, Status=8, Priority=5, ETA=0, Hold Type=0, Primary Unit=1F181, Primary Member=101817, Current=F, Open =T, Type Code=DISTURB-DISTURBANCE CALLS, SubType Code=SUBJECT-SUBJECT DISTURBING</p> <p>Agency=EPPD, Group=8, Beat=81, Status=8, Priority=5, ETA=0, Hold Type=0, Primary Unit=1F181, Primary Member=101817, Current=T, Open =F, Type Code=DISTURB-DISTURBANCE CALLS, SubType Code=SUBJECT-SUBJECT DISTURBING</p> <p>EVENT CLOSED</p> <p>Unit=1F181, Status=A, Employee=101817</p> <p>Unit=1F181, Status=A, Employee=102971</p> <p>Disposition Assigned=ADV</p>
10:56:37 AM	4/29/2014	pd5	<u>1014124</u>	

CPS REPORT AGAINST COMPLAINANT

I N C I D E N T D A T A	Agency Name El Paso Police Department		INCIDENT / INVESTIGATION REPORT				OCA 14-147093		
	ORI TX0710200						Date / Time Reported TU May 27, 2014 10:00		
	#1	Crime Incident Equiv Code: 4010637 INFO RECEIVED	UCR: 999	Local Statute: 85 SG	<input type="checkbox"/> Att <input checked="" type="checkbox"/> Com	Last Known Secure TU May 27, 2014 10:00			
	#2	Crime Incident Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com	At Found TU May 27, 2014 10:00			
	#3	Crime Incident Equiv Code:	UCR:	Local Statute:	<input type="checkbox"/> Att <input type="checkbox"/> Com				
		Location of Incident 501 Hawkins Blvd Sb, El Paso, TX 79915				Premise Type Other/Unknown		Offense Tract MVR	
M O	How Attacked or Committed								
	Weapon / Tools Forcible Entry <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A								
V I C T I M	# Victims 0	Type	Injury		Residency Status				
	V1	Victim/Business Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race Sex	
						Relationship to Offenders			
	Home Address						Home Phone		
	Employer Name/Address						Business Phone		
	VYR	Make	Model	Style	Color	Lic/Lis	VIN		
CODES: V- Victim (Denote V2, V3) O = Owner (if other than victim) R = Reporting Person (if other than victim) I = Other Involved									
O T H E R I N V O L V E D	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race Sex	
	RP1	Rodriguez, Beatrice					34	W F	
	Home Address 501 Hawkins Blvd Sb, El Paso, TX 79915						Home Phone (915) 996-4857		
	Employer Name/Address C.p.s. Services / 501 HAWKINS BLVD.						Business Phone (915) 996-4857		
I N V O L V E D	Code	Name (Last, First, Middle)				Victim of Crime #	Age / DOB	Race Sex	
	IO2	Leyva-ramirez, Hasabnna Elizabeth					21	W F	
	Home Address 2625 Portland Ave, El Paso, TX 79930						Home Phone (915) 599-7301		
	Employer Name/Address Unemployed						Business Phone		
P R O P E R T Y	Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown (Check "OJ" column if recovered for other jurisdiction)								
	Victim #	UCR	Status - Date	Value	OJ	QTY	Property Description	Make/Model Serial Number	
Number of Vehicles Stolen 0		Number Vehicles Recovered 0							
ID	Officer (02253) GOMEZ, MICHELLE M				Officer Signature		Supervisor Signature (C1313) PEREZ, XAVIER		
Complainant Signature				Case Status: Further Investigation May 27, 2014		Case Disposition:			

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Status Codes		L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown										
D R U G S	Status	Quantity		Type Measure			Suspected Drug Type					
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Offender 1			Offender 2			Offender 3			Primary Offender Resident Status Resident Non-Resident Unknown
			Age: Race: Sex:			Age: Race: Sex:			Age: Race: Sex:			
			Ssn:			Ssn:			Ssn:			
			Offender 4			Offender 5			Offender 6			
			Age: Race: Sex:			Age: Race: Sex:			Age: Race: Sex:			
			Ssn:			Ssn:			Ssn:			
S U S P E C T	Name (L, F M) AKA					Home Address					Home Phone	
	SSN:		Occupation			Business Address					Business Phone	
	DOB. / Age		Race	Sex	Hgt	Wgt	Build		Hair Color		Eye Color	
							Hair Style		Hair Length		Glasses	
	Scars, Marks, Tatoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)											
	Hat		Shirt/Blouse				Coat/Suit				Socks	
	Jacket		Tie/Scarf				Pants/Dress/Skirt				Shoes	
	Was Suspect Armed?		Type of Weapon					Direction of Travel			Mode of Travel	
	VYR	Make	Model		Style/Doors	Color	Lic/Lis		Vin			
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:						
W I T N E S S	Name (Last, First, Middle)					SSN:		D.O.B.	Age	Race	Sex	
	Home Address					Home Phone		Employer			Phone	
N A R R T I V E	Rp-01 called the Telephone Report Unit and stated that she needed to file an information report.											
	Rp-01 advised she is a Child Protective Service employee and has recently taken on a new case involving IO-02 (client). Rp-01 stated that IO-02's child is currently in CPS custody due to IO-02's erratic behavior, who may be suffering from a mental illness. Rp-01 advised since approximately May 5th she has been receiving threatening phone calls and text messages from IO-02 and desired to have the incident documented for future use if need be.											
	Rp-01 advised IO-02 has displayed aggressive behavior towards her and made several threatening comments:											
	- IO-02 has stated that she has been sent by god to "distruct" Rp-01.											
	- IO-02 has stated that she will do what she needs to do, to teach Rp-01 a lesson.											
- IO-02 has contacted the El Paso Police Department on two (2) occasions to report Rp-01 and CPS.												
Rp-01 further advised that IO-02 had an officer appointment to visit with her child and was half an hour late during which time the appointment had been canceled. Rp-01 stated IO-02 showed up late and had to be physically removed by the security staff due to IO-02's aggressive behavior. Rp-01 stated												

EXHIBIT B
18-1026-9892

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Narrative (continued)

she desired to have the incident documents for information purposes.

Incident / Investigation Report

OCA: 14-147093

El Paso Police Department

Officer's Supplement

Officer

1247

Date / Time Reported

TU May 27, 2014

10:00

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Status Codes L = Lost S = Stolen R = Recovered D = Damaged Z = Seized B = Burned C = Counterfeit / Forged F = Found U = Unknown															
D R U G S	Status	Quantity	Type Measure			Suspected Drug Type									
O F F E N D E R	Offender(s) Suspected of Using <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Alcohol <input type="checkbox"/> Computer		Offender 1 Age: Race: Sex: Ssn:			Offender 2 Age: Race: Sex: Ssn:			Offender 3 Age: Race: Sex: Ssn:			Primary Offender Resident Status Resident Non-Resident Unknown			
			Offender 4 Age: Race: Sex: Ssn:			Offender 5 Age: Race: Sex: Ssn:			Offender 6 Age: Race: Sex: Ssn:						
S U S P E C T	Name (L, F M) AKA					Home Address					Home Phone				
	SSN:		Occupation			Business Address					Business Phone				
	DOB. / Age		Race	Sex	Hgt	Wgt	Build	Hair Color		Eye Color					
							Hair Style	Hair Length		Glasses					
	Scars, Marks, Tattoos, or other distinguishing features (i.e. limp, foreign accent, voice characteristics)														
	Hat			Shirt/Blouse			Coat/Suit			Socks					
	Jacket			Tie/Scarf			Pants/Dress/Skirt			Shoes					
	Was Suspect Armed?		Type of Weapon				Direction of Travel				Mode of Travel				
	VYR	Make	Model	Style/Doors	Color	Lic/Lis	Vin								
	Suspect Hate / Bias Motivated: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					Type:									
	W I T N E S S	Name (Last, First, Middle)					SSN:		D.O.B.	Age	Race	Sex			
		Home Address					Home Phone		Employer		Phone				
N A R R I V E	Rp-01 called the Telephone Report Unit and stated that she needed to file an information report. Rp-01 advised she is a Child Protective Service employee and has recently taken on a new case involving IO-02 (client). Rp-01 stated that IO-02's child is currently in CPS custody due to IO-02's erratic behavior, who may be suffering from a mental illness. Rp-01 advised since approximately May 5th she has been receiving threatening phone calls and text messages from IO-02 and desired to have the incident documented for future use if need be.														
	Rp-01 advised IO-02 has displayed aggressive behavior towards her and made several threatening comments:														
	- IO-02 has stated that she has been sent by god to "distract" Rp-01.														
	- IO-02 has stated that she will do what she needs to do, to teach Rp-01 a lesson.														
	- IO-02 has contacted the El Paso Police Department on two (2) occasions to report Rp-01 and CPS.														
	Rp-01 further advised that IO-02 had an officer appointment to visit with her child and was half an hour late during which time the appointment had been canceled. Rp-01 stated IO-02 showed up late and had to be physically removed by the security staff due to IO-02's aggressive behavior. Rp-01 stated														

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Narrative (continued)

she desired to have the incident documents for information purposes.

Incident / Investigation Report

El Paso Police Department

OCA: 14-147093

Officer's Supplement

Officer 1247

Date / Time Reported TU May 27, 2014 10:00

THE INFORMATION BELOW IS CONFIDENTIAL - FOR USE BY AUTHORIZED PERSONNEL ONLY

[Normal View](#)

Event Information -- P2014213707

Location Information		Caller Information	
Number	501	Name	SPRINT NEXTEL - CDMA
Direction		Address	7806 GATEWAY EAST BLVD EL PASO
Street	HAWKINS	Phone	(915) 599-7301
Type	BLVD	Terminal	c17
Suffix	SB	Calltaker ID	1001667
Area		Source	ANI/ALI
Municipality	EP	Remarks	<p>** LOI search completed at 04/29/14 10:23:03 :SW SECTOR Y=31.740875 X=-106.3930 Event stacked at: 04/29/14 10:21:29 RP ADV THAT SUBJS AT BUSN ARE DISRESPECTFUL ADV SHE HAS TO P/U CHILD FOR VISITATION WANTS TO FILE COMPLAINT AGAINST THEM RP UPSET BECAUSE THEY WOULD NOT PROVIDE SUPPLIES FOR HER CHILD RP: JOSAVNA LEYVA RP IS YELLING AND MAKING A SCENE RP IS OUTSIDE NOW ** Event Location changed from "501 HAWKINS BLVD SB EP: DEPT OF HUMAN SRVS" to "501 HAWKINS BLVD SB EP: CHILD PROTECTIVE SRVS" at: 04/29/14 10:24:30 ** >>>> by: MARY H. SINGLETON on terminal: c17</p>
Apartment			
X-Street 1	NORTH LOOP DR WB		

EXHIBIT B**18-1026-9892**

Total Number of Redactions: 65

By Exemption:

"552.101 Common Law Privacy - Prior Determination" (Date of Birth): 27 instances
"§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 22 instances
"Emp Personal Info" (Emp Personal Info): 1 instance
"Section 552.101" (Section 552.101): 2 instances
"Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 13 instances

By Page:

Page 1 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 2 instances

Page 4 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 10 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 17 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 17 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 18 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 18 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 19 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 19 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 24 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 24 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a

decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 26 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 26 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 26 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 28 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 28 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 29 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 30 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 30 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 32 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 32 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 33 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 33 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 2 instances

Page 35 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 35 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 35 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 37 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 39 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 42 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 45 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 46 - "Section 552.101" (Section 552.101): 1 instance

Page 53 - "Emp Personal Info" (Emp Personal Info): 1 instance

Page 66 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 67 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 69 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 1 instance

Page 69 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 69 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 70 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 3 instances

Page 70 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 1 instance

Page 70 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 71 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 2 instances

Page 71 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 73 - "Section 552.101" (Section 552.101): 1 instance

Page 94 - "§552.130 Information is excepted from requirements of Section 552.021 if relates to a motor vehicle operator's or driver's license or permit; a motor vehicle title or registration; or a personal identification document." (DL Plts Reg or Ttl): 4 instances

Page 103 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 103 - "Tex. Gov't Code § 552.147. The social security number of a living person is excepted from the requirements of Section 552.021. A governmental body may redact the social security number of a living person from any information the governmental body discloses under Section 552.021 without the necessity of requesting a decision from the attorney general under Subchapter G." (SSN of Live Person): 1 instance

Page 106 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 124 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances

Page 128 - "552.101 Common Law Privacy - Prior Determination" (Date of Birth): 2 instances